MINUTES
for the
FOURTH MEETING
of the
INDIAN AFFAIRS COMMITTEE

September 24-27, 2013
Nenahnezad
Church Rock
Pueblo of Zuni

The fourth meeting of the Indian Affairs Committee (IAC) was called to order at 10:11 a.m. by Senator John Pinto, co-chair, on September 24, 2013 at the Nenahnezad Chapter House in Nenahnezad.

Present
Rep. Sandra D. Jeff, Co-Chair (9/24, 9/25, 9/26)
Sen. John Pinto, Co-Chair
Rep. Eliseo Lee Alcon
Rep. Alonzo Baldonado
Rep. Sharon Clahchischilliage
Rep. Patricia A. Lundstrom (9/25, 9/26, 9/27)
Rep. James Roger Madalena
Sen. Richard C. Martinez (9/25, 9/26, 9/27)
Rep. Jane E. Powdrell-Culbert
Sen. Nancy Rodriguez (9/25, 9/26, 9/27)
Sen. Benny Shendo, Jr. (9/24, 9/26, 9/27)

Absent
Sen. Cliff R. Pirtle
Sen. John C. Ryan
Sen. William P. Soules

Advisory Members
Rep. Ernest H. Chavez (9/25, 9/26, 9/27)
Rep. Georgene Louis (9/25, 9/26)
Rep. Debbie A. Rodella
Sen. Clemente Sanchez (9/25, 9/26, 9/27)

Sen. Carlos R. Cisneros
Rep. Zachary J. Cook
Sen. Stuart Ingle
Sen. Daniel A. Ivey-Soto
Rep. Antonio "Moe" Maestas
Rep. Patricia Roybal Caballero
Rep. Nick Salazar

Guest Legislator
Sen. Cisco McSorley (9/24)

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

Staff
Peter Kovnat, Staff Attorney, Legislative Council Service (LCS)
Monica Ewing, Staff Attorney, LCS
Alexandria Tapia, Research Assistant, LCS

Guests

The guest list is in the meeting file.

Handouts

Copies of all handouts are in the meeting file.

<u>Tuesday, September 24</u> — Nenahnezad

Call to Order

Senator Pinto welcomed everyone to the fourth IAC meeting. Members of the committee, staff and members of the audience introduced themselves. Due to a lack of quorum, the meeting started as a subcommittee in Nenahnezad. A quorum was reached later in the day.

Invocation, Welcome and Status Update

Rick Nez, president, San Juan Chapter, provided an invocation. Norman C. Begaye, president, Nenahnezad Chapter, welcomed the committee and provided a brief update.

Issues Surrounding School Bus Routes

Frank Chiapetti, superintendent, Gallup-McKinley County School District (GMCSD), discussed issues with school bus routes. He explained that this issue is not unique, noting its impact on students and stressing that safety is the primary concern.

A committee member asked about the status of the memorandum of understanding (MOU) between the GMCSD and the Central Consolidated School District (CCSD). Don Levinski, superintendent, CCSD, said that no MOU had been reached and that the school districts currently have attorneys working on it. The member stressed that this is in the best interest of the Navajo children.

Pandora Mike, assistant superintendent, CCSD, provided an update on the CCSD's academic progress. Over 90 percent of students at the CCSD are Native American, and those students have outscored the state average for testing and advance placement programs in the 2013 school year. The CCSD offers a variety of programs, and all principals in the CCSD have been trained on the new statewide teacher procedures. Ms. Mike offered members a tour of the new elementary school that the district is building.

Responding to a question, Ms. Mike explained that the school grading system has various criteria; a school can be performing well, but the school needs to show growth. She added that the CCSD has made substantial improvements, with schools previously deemed "failing" earning designation as "A" schools. The district is currently focusing on helping high school students not yet proficient in English with college readiness.

A member noted the importance of cultural heritage to Native Americans, native language preservation and fostering a love of learning. Superintendent Levinski agreed that education

should be fun and that it is necessary to get students involved with hands-on learning. He added that it is difficult finding teachers with the skills to teach reading and writing the Navajo language.

Presenters discussed some of the challenges that they are facing, including the new grading system and federal cuts to aid money. Ms. Mike highlighted the CCSD's top two priorities: making students college- and career-ready and having students graduate with a strong self-identity. She hopes to have cultural and traditional practices reinforced and for learning to be more meaningful for students.

Native American Voters Alliance (NAVA)

Keegan King, representative, NAVA, described his organization and issues from the 2013 legislative session. The NAVA is particularly concerned with suicide prevention, domestic violence, diabetes and student retention in Native American communities. As a nonpartisan organization, the NAVA continues to support the proposed legislation from last session and is requesting endorsement of that legislation from the IAC for the 2014 session.

Members of the committee asked Mr. King about bills from the 2013 session. Mr. King emphasized that the NAVA opposes legislation that is excessively punitive to students and harmful to bilingual students; he contends that bilingual students may lag behind classmates for a while, but they tend to catch up and even surpass others in their class.

Funding for New Dormitory Construction

Johnny Anderson, dormitory manager, Shiprock Associated Schools, Inc. (SASI), illustrated the issues that the SASI is facing and included photographs of the dormitory there.

Frank Todacheeny, executive director, SASI, said the dormitory was originally built in 1952 and is currently in poor condition. The dormitory currently houses students who are enrolled at one of the three local high schools in Shiprock, particularly those whose families live too far to commute. The SASI's dormitory also houses special needs students and students with behavioral issues, while providing them with supporting staff and counselors. The dormitory houses approximately 100 students each school year.

The SASI caters to a select population of students not within bus routes, and if members of the legislature and Governor Susana Martinez saw the condition of the dormitory, the need for a new facility would be evident.

Presenters discussed the three phases for the construction of the new dormitories and the proposal for funding. According to Mr. Anderson, the amount requested, $20 million, would cover the building of one facility. The SASI has a site ready to build on and hopes to have students in a central building for safety reasons.

Discussion about the complexity of getting funding from the state for federal Bureau of Indian Education schools ensued. Due to issues with sovereignty, any funds allocated from the

state would have to go through the Navajo Nation. This is a constant issue in the region. With other localities, money goes directly to the receiving entity; however, in the case of the Navajo Nation, money often gets reverted back to the state because it sits for too long without being awarded to the requesting entity. Because this has been a recurring issue, the governor and the legislature have been hesitant to divert funds to organizations within the Navajo Nation.

A member of the IAC recommended two options: 1) work out an MOU between the SASI and the Navajo Nation to help funds from the state to be directly deposited to the school; or 2) work with the council delegates for the Navajo Nation to draft legislation to allow funding to go directly to those entities to which it was appropriated by the state. Other IAC members expressed support for these suggestions, adding that the Santa Fe Indian School was able to receive funding by establishing an MOU with the pueblos.

A member of the committee reaffirmed that the IAC does support the SASI in its pursuit and urged it to draft a proposal of the project for legislators from the area to sign in support.

Update by the Navajo Transitional Energy Company (NTEC)

Timothy McLaughlin, vice chair, management committee, NTEC, said the company's mission is transitioning the Navajo Nation into an era of cleaner energy through development, ownership and management of its energy resources. The NTEC is mandated to invest 10 percent of its profits into clean coal and renewable energy technology. Mr. McLaughlin named the seven members on the NTEC board and provided their credentials for the committee.

The NTEC is seeking to purchase the Four Corners Power Plant (FCPP) mine. By purchasing the mine, the NTEC will preserve 800 jobs at the mine and the FCPP. If the NTEC does not buy the mine, both the mine and the FCPP will likely close in 2016, eliminating the $40 million per year the Navajo Nation receives in royalties and taxes. Goals of the NTEC include:

1) acquiring the mine;
2) hiring a chief executive officer to manage the mine;
3) ensuring that the Navajo Nation receives a share of income; and
4) employing members of the Navajo Nation.

A committee member asked why the FCPP mine is closing. Mr. McLaughlin said that the mine is currently run by BHP Billiton, but in the next few years, the company will be undergoing changes that would make it less profitable for coal. According to Mr. McLaughlin, the NTEC was created by a council of representatives and the Navajo Nation for the purpose of acquiring and operating the mine in the best interests of the Navajo Nation's people, government and land. The NTEC is negotiating with BHP Billiton to operate the mine until the NTEC can transition into managing it; this approach is deemed to be best for the power supply and for the employees. Mr. McLaughlin said the two companies are far in the process, and it is likely the mine will be acquired by the end of the calendar year.

Some of the changes in federal Environmental Protection Agency (EPA) standards and how they will affect the FCPP and the Navajo Nation were discussed. Ben Shelly, president of the Navajo Nation, disclosed plans to research carbon dioxide emissions and environmental impact in the area. President Shelly added that he is looking for options that are best for the Navajo people in terms of jobs, but he is also cognizant of the implications to the environment. Arben Trujillo, manager, FCPP, and Colette Brown, resource planning development, BHP Billiton, voiced support for the project and the high-paying jobs that the industry produces. Members expressed concern over opposition to the mine.

San Juan Generating Station (SJGS) Update

Ernie C'de Baca, vice president of governmental affairs, Public Service Company of New Mexico (PNM), provided some background on PNM and an update on the SJGS. Mr. C'de Baca briefed the committee on the new EPA standards, what the SJGS is doing to comply with those regulations and its agreement to reduce emissions and pollutants. Mr. C'de Baca outlined the goals for the SJGS, including:

1) minimizing costs to customers;
2) reducing pollution;
3) building a power plant;
4) preventing layoffs of employees;
5) providing job training; and
6) increasing economic development in the area.

Cathy Newby, tribal relations manager, PNM, discussed the PNM-Navajo Nation work force training initiative. The SJGS is a major employer in the northeastern portion of the Navajo Nation: approximately 88 of the 400 employees at the plant are Native Americans; and 230 of the San Juan Mine's 500 employees are Native Americans. Jobs created by the SJGS pay 2.7 times the average annual Navajo household income of $20,000. Ms. Newby reported that PNM is committing $1 million over five years to train Navajos for future job opportunities. PNM has developed program parameters and signed an MOU with Navajo Technical University and San Juan College.

Update on the Kinteel Residential Campus, Inc., Dorm Funding Request

Marian John, Kinteel Residential Campus, Inc., requested funding from the legislature and support from the IAC for a new dormitory. Ms. John stated that Kinteel is seeking $500,000 as part of a matching fund to build a new dormitory for students from rural areas.

Recess

The meeting recessed in Nenahnezad at 2:53 p.m.

<u>Wednesday, September 25</u> — Church Rock

Call to Order

Senator Pinto reconvened the IAC meeting at 9:12 a.m. President Shelly provided an invocation for the committee. Members of the committee, staff and audience introduced themselves.

Welcome and Status Update

President Shelly and Johnnie Henry, Jr., president, Church Rock Chapter, welcomed the committee. President Shelly discussed a plan to make the Navajo Nation energy independent. Mr. Henry spoke about the senior center for which the chapter received funding for planning and design during the 2013 legislative session and said that the chapter will be requesting money for construction in 2014. Mr. Henry spoke of the need for economic development in the area, specifically a uranium project that would bring approximately $35 million each year. Mr. Henry also voiced concern over educated youth returning from military service or college and being unable to find jobs in the area.

Members of the committee asked questions regarding the New Mexico Health Insurance Exchange and how federal sequestration has affected the Navajo Nation. The presenters explained that these are ongoing issues that they will continue to learn more about in the near future. President Shelly mentioned the ongoing work on the dam in Crownpoint and the need to address flood-prone areas. There was discussion among committee members and President Shelly regarding the school bus dispute between the GMCSD and the CCSD.

Motion

Representative Lundstrom moved for the committee to ask the Legislative Education Study Committee and its Transportation Subcommittee to consider legislation regarding the transportation boundary agreements. The motion was seconded by Representative Madalena. The motion was passed with the abstention of Representatives Alcon and Jeff.

Native American Suicide Prevention Clearinghouse

Sheri Lesansee, program manager, University of New Mexico (UNM) Center for Rural and Community Behavioral Health, Native American Behavioral Health Program, discussed the implementation of the statewide clearinghouse on suicide prevention. The clearinghouse was established legislatively in 2011 to create a statewide resource for tribal agencies and communities to access culturally appropriate information, technical assistance, training and support for prevention, intervention and post-intervention efforts to address suicide. Ms. Lesansee explained how the Native American Suicide Prevention Advisory Council will be governed and outlined its fiscal year (FY) 2013 tasks and goals for FY 2014.

Responding to a question regarding funding, Ms. Lesansee explained that the program received some outside funding, but the main source is a $100,000 appropriation from the legislature.

Committee members were concerned about gambling addiction and its potential ties to suicide. As part of the gaming compacts, tribes are required to set aside one-fourth of one percent of the total net win to combat problem gaming. The committee discussed the possibility

of those funds being used to fund suicide prevention efforts. A request was made to have representatives from the Gaming Control Board present on that issue at the next IAC meeting. Several members of the committee expressed support and commended Ms. Lesansee on her work.

The Computer Adaptive Test-Mental Health Suicide Prevention Solution

Steve Trubow, medical engineer, Olympic Labs, gave a presentation on the Computerized Adaptive Testing for Mental Health (CAT-MH), which uses the Columbia-Suicide Severity Rating Scale to collect data and determine risk for suicide. The CAT-MH is unique because questions are asked based on the response of the previous question. The program is available anywhere and is anonymous. Mr. Trubow demonstrated the test for the committee.

Mr. Trubow provided general information on suicide data collection and the Health Home State Plan Option. Mr. Trubow contends that data on suicides are inaccurate due to the recording of "accidental death" in place of a designation of suicide, which he believes downplays the enormity of the problem. There is also a lack of data on the relationship between mental health and substance abuse. Mr. Trubow shared that one out of five people with bipolar disorder commits suicide and approximately 90 percent of people who commit suicide in New Mexico had symptoms of depression.

A committee member noted the importance of funding a telemedicine program at UNM for behavioral health.

In response to a question, Mr. Trubow explained that medical professionals can log into the CAT-MH program to examine the test results and information about the respondent's answering patterns. Members of the committee were concerned with the follow-up with respondents after they take the survey.

Indian Gaming Compact Negotiations

A panel consisting of representatives from the Jicarilla Apache Nation, the Pueblo of Pojoaque, the Mescalero Apache Tribe and the Pueblo of Acoma, along with representatives from the Office of the Governor, addressed the committee regarding the status of the Indian Gaming Compact negotiations. Their comments are as follows.

Office of the Governor

Jessica Hernandez, deputy chief of staff and general counsel, Office of the Governor, briefed the committee about the urgency of reaching compromise with the 2015 expiration date approaching quickly. Of the five tribes currently in negotiations, the Navajo Nation is the only one that has come to an agreement with the executive. That compact was voted on by the Committee on the Compacts during the 2013 legislative session but has yet to go before the legislature for a vote. Ms. Hernandez stressed the importance of reaching agreements by the end of the 2014 session. To be valid, a compact must pass a vote in both chambers of the legislature and then be approved by the United States Department of the Interior. Ms. Hernandez emphasized the Office of the Governor's commitment to negotiate in good faith and reiterated

that it will accept the terms of the 2007 compact if any of the tribes run out of time. In these negotiations, the Office of the Governor has three goals:

1. to reach a fair and reasonable balance that takes into account the interests of both the state and the tribes;
2. consistency across all of the compacts; and
3. to include language that would reduce the likelihood of disagreements in the future.

In response to a question from the committee, Ms. Hernandez affirmed that the Navajo compact is unique to the Navajo Nation and is in no way a template for the other tribes. The Navajo compact does contain some principles and positions that are important to the other compacts, but it is not meant to set a standard. It was noted that Governor Martinez does support the Navajo compact. Members of the committee discussed the issue of "free play" and its role in the negotiations. For the benefit of the committee, Ms. Hernandez explained the concept of "free play" and the concerns surrounding it — the Office of the Governor views "free play" as a promotional and marketing tool.

Jicarilla Apache Nation

Dion Killsback, legal counsel, Jicarilla Apache Nation, provided written comments to the committee. In regard to the Navajo compact, Mr. Killsback stated that the Jicarilla Apache Nation believes that it was negotiated in the haste of the last session, and the Jicarilla Apache Nation is carefully considering its own compact.

Pueblo of Pojoaque

Macario Gutierrez, assistant to the governor, Pueblo of Pojoaque, provided written comments to the committee. When asked about the Navajo compact, Mr. Gutierrez indicated that the pueblo respects the sovereignty of the Navajo Nation.

Mescalero Apache Tribe

Sandra Platero, president, Mescalero Apache Tribe, provided written comments to the committee. Gaming is the primary source of revenue for the tribe, and it remains in negotiations with the State of New Mexico. President Platero also indicated that the tribe does not object to the Navajo Nation moving forward.

Pueblo of Acoma

Joe Tenorio, attorney, Pueblo of Acoma, provided the committee with a written statement and mentioned the pueblo's issues with "free play" and its calculation. Conroy Chino, lobbyist, Pueblo of Acoma, voiced some concern with the Navajo compact, adding that the pueblo hopes to negotiate as favorable a compact as the Navajo Nation did.

Indian Gaming Compact Negotiations — Navajo Nation

President Shelly addressed the committee specifically on the Navajo Nation's compact agreement. President Shelly stressed the importance of renewing its compact and requested the support of the committee in approving its negotiated compact during the 2014 session. LoRenzo

Bates, Navajo Nation Council delegate, and chair, Navajo Nation Gaming Task Force, provided the committee with a summary of the compact reached by the Navajo Nation, including a copy of the compact itself. The presentation covered the specifics of the compact, including revenue sharing, rate structure, number of facilities and "free play". It was emphasized by the presenters that this compact has been agreed upon by the Navajo Nation and does not have any impact on what the other tribes and pueblos decide to do. If the Navajo compact is approved, it will be valid until 2037.

In response to a question from a committee member, Karis Begaye, attorney, Navajo Nation Department of Justice, explained that under the new compact, the Navajo Nation will contribute one-half percent of total net win to programs for problem gambling. Under the new terms of the compact, the Navajo Nation will select the beneficiary program. A member of the committee requested the Navajo Nation to consider UNM's Center for Rural and Community Behavioral Health, Native American Behavioral Health Program as a potential service provider.

Members of the committee asked questions about the terms of the compact and the issues with "free play". Ms. Begaye informed the committee that the Navajo Nation had reached a settlement agreeing to pay the state $500,000 for "free play" back pay. This was not the full amount owed but the result of the compromise.

Members of the committee again voiced concerns about the Navajo compact being set as a standard for the other tribes and pueblos. Ms. Hernandez reassured them that each tribe and pueblo is able to choose a template — the 2001, 2007 or Navajo compact — and the Office of the Governor will move forward from that point with negotiations. Recognizing the concerns of the committee, Ms. Hernandez stated that the tribes and pueblos do not appear to have those same concerns.

Another committee member said that because the Navajo Nation started gaming after other tribes, the Navajo Nation was, in fact, the tribe that had to follow a standard set by other tribes.

Due to a scheduling conflict, Senator Pinto requested LCS staff to see if the schedule would accommodate changing the dates of the final IAC meeting from December 2-3 to December 9-10.

Tour of the Gaming Facility

The members of the committee were taken on a tour of the Fire Rock Casino gaming facility.

The committee recessed at 4:54 p.m.

<u>Thursday, September 26</u> — Church Rock

Senator Pinto reconvened the meeting at 9:10 a.m. Arthur P. Allison, secretary, Indian Affairs Department (IAD), provided an invocation for the committee. Members of the committee, staff and members of the audience introduced themselves.

***Zuni* Lawsuit/Impact Aid**

Sharon Ball, senior researcher, LCS, provided a broad overview of the *Zuni* lawsuit filed in state district court in 1998. In 1974, the New Mexico Legislature was one of the first in the nation to adopt a school financing system for operational expenses that provided funding for public education on an equalized formula rather than local property taxes. That financing system for operating expenses became a national model of equitable school finance and was based on a studied, deliberate effort to create an equitable system. The *Zuni* lawsuit is still in effect and the courts still have jurisdiction over the legislature's capital outlay. Ms. Ball laid out the time line for the *Zuni* lawsuit and offered to provide the committee with additional information upon request.

Bob Gorrell, director, Public School Facilities Authority (PSFA), stated that the PSFA has joined with state and local funding and has made significant progress. New Mexico is considered a model of success by other states. The funding is allocated to help school districts that cannot help themselves. However, funding has diminished through the years; being able to maintain a 35 percent threshold is increasingly difficult. Mr. Gorrell believes that the state needs to put more money into facilities, make better use of facilities (by reducing square footage) or increase school maintenance funding.

Superintendent Chiapetti discussed the issues with impact aid and the state equalization guarantee distribution formula. Impact aid is the federal funds that are meant to compensate school districts that, because non-taxable federally owned lands are within their districts, have a reduced tax base from which to fund educational programs and infrastructure. Impact aid is subject to federal sequestration; schools in some districts have had to deal with a "floating" budget as a result of impact aid payments being up to six months behind schedule. Superintendent Chiapetti discussed some of the unique costs confronting the GMCSD, including a lack of teacherages and high poverty rates. Superintendent Chiapetti concluded by highlighting that McKinley County brings in more funding for the state to spend on education statewide, and the GMCSD does not receive funding back in proportion.

Hayes A. Lewis, superintendent, Zuni Public School District, echoed the need for teacherages in the Zuni area and expressed support for the GMCSD's position.

IAC members asked questions regarding the funding formula, the percentage of impact aid that is taken by the state and the effects of sequestration. In response to a question about the payment schedule, Superintendent Chiapetti explained that the state pays 12 equal installments beginning July 1. Federal funding normally is received in January, but in 2013, it was not received until May 31; school was already over for the year. A member of the committee suggested that the Public Education Department (PED) could help bridge the funding gap from

the delayed federal funding and the school districts could then reimburse the PED when the federal money is received.

The committee discussed a waiver to allow teacherages as an eligible use of public school capital outlay. Also discussed was establishing a new state equalization guarantee fund that allows for immediate distribution to school districts.

Motion

A motion was made by Representative Jeff, seconded by Senator Pinto, for an appropriation bill directed to the Eleventh Judicial District for the purpose of reviewing the *Zuni* lawsuit, since its last status conference was in 2006. The appropriation would be given to the agency conducting the review. In a discussion regarding the motion, Senator Rodriguez suggested that the language should read more broadly to include a review and potential recommendations. The motion passed with the amendment, and LCS staff will look into the best option for pursuing this issue.

Motion

A motion was made by Representative Lundstrom for House Bill 245 (2013), sponsored by Representative Alcon, to be brought back for IAC endorsement in December. The motion was seconded by Representative Alcon and passed unanimously.

Motion

Upon a motion by Representative Madalena, seconded by Representative Lundstrom, the committee voted unanimously to approve the minutes of the August IAC meeting.

GMCSD Board Introductions and Overview

Superintendent Chiapetti introduced members of the GMCSD board and provided a brief overview of the district. Currently, all nine high schools in the district have the designation of "B" on the grading system. With 35 schools in the district, the GMCSD is confronted with a diverse student body. In an effort to address the issues of communities feeling that their concerns are not being heard, Superintendent Chiapetti explained that every school must attend the meetings in chapter houses, at least twice, to hear issues and address the needs of the communities. Superintendent Chiapetti believes that the GMCSD is getting a fresh start, with the opportunity to have great board members on the same page and with students as the focus.

Superintendent Chiapetti discussed the need for quality teachers in the district and the proper instructional supplies in the classrooms. He believes that education is one of the ways children can change the outcome of their lives.

In response to a question about the A-F grading system, Superintendent Chiapetti stated that the school district is just beginning to understand the system and to process the data. In regard to third grade retention, the GMCSD board has not yet reached a decision, but it recognizes that reading is a huge problem in schools. A member of the committee reminded

Superintendent Chiapetti about the importance of having up-to-date audits to prevent allocated money from reverting to the general fund.

Update on House Memorial 43 (2013): The Navajo Charter School

Dr. Ferlin Clark, assistant secretary for Indian education, PED, addressed the committee regarding House Memorial 43 (2013) sponsored by Representatives Clahchischilliage and Lundstrom. The memorial was a request for the Indian Education Division of the PED and the IAD to study the feasibility of a bi-state charter school in the Red Lake Chapter of the Navajo Nation. The initial issue that needed to be addressed was to clarify whether it was legally possible for the state to establish a charter school within the sovereign lands of the Navajo Nation in New Mexico that would serve students from both New Mexico and Arizona. A work group was convened to meet three times during 2013; it was concluded that New Mexico's laws and statutes would allow for the establishment of such a charter school. The work group discussed the various issues related to the creation of a charter school, including feasibility, jurisdictional issues, funding and curriculum. Dr. Clark added that a more comprehensive report would be presented at the final meeting of the IAC in December.

Tim Benally, Department of Dine' Education, Navajo Nation, explained that the Navajo Nation sprawls across the borders of three states and the proposed charter school would overlap the state lines. According to Mr. Benally, 16,000 Navajo students apply for scholarships every year and the students who do not receive scholarships have no place to go for a quality education. The Navajo Nation supports the establishment of this type of charter school.

Working Lunch: Teach for America

Nate Morrison, executive director, Teach for America-New Mexico, gave an overview of the program and his experience in Shiprock. Mr. Morrison underscored the importance of cultural identity and pride among Native American youth. Teach for America and the Native American Community Academy jointly applied for Indian Education Act funds to support the recruitment and training of culturally responsive educators to work in Native American communities. This partnership is also in conjunction with the Growing Educators for Native American Communities program. The organizations are working together to build capacity by conducting joint training related to culturally responsive instruction and by sharing best practices related to indigenous education theory, recruitment, ongoing mentoring and retention.

Mr. Morrison answered questions about Teach for America and teacher retention. The federal Indian Education Act has helped Teach for America bring 145 teachers to New Mexico over the last four years. Teachers commit to teaching for a minimum of two years. Teach for America currently has around 170 alumni — people beyond the two-year minimum — working in New Mexico. Mr. Morrison believes it is important to create role models for students.

Uranium Development — Project Update

Mr. Chino presented the remarks of Pueblo of Acoma Governor Gregg P. Shutiva. Mr. Chino highlighted several points related to uranium mining near Mount Taylor:

- The importance of Mount Taylor to Indian tribes in New Mexico cannot be overstated.
- The Pueblo of Acoma does not oppose mining or other development within the Mount Taylor Traditional Cultural Property (TCP); it recognizes that there can be economic uses of the TCP that have long-term benefits.
- The Pueblo of Acoma is aware of the health and environmental impacts of uranium mining.
- Until there is demonstrated proof that all existing contamination has actually been cleaned up through uranium abatement, the Pueblo of Acoma cannot ignore the contamination of past uranium mining and probability of contamination from future uranium mining.
- A major concern with uranium mining is the risk of ground water contamination and the impossibility of restoring natural ground water conditions after the completion of the leaching operations.
- The Pueblo of Acoma is concerned with the number of jobs that would be created for the actual members of the pueblo.
- There is concern with how much money will actually benefit communities for schools, hospitals and other needed infrastructure, and how much of the projected revenue and tax expenditures would actually stay in Cibola County.

Uranium Abatement

Jaime Geronimo Vela, doctoral student, New Mexico State University (NMSU), Antonio Lara, professor of chemistry, NMSU, and a panel of other students presented their project on uranium abatement. The team has designed a water purification process that uses clay pellets to produce safe, potable water from any water source. Dr. Lara walked the committee through the process using both a presentation and real-life simulation. The process uses soil/clay because it is manageable and inexpensive, it will not leach, it is safe to transport, it is robust (temperature, redox, pH), final disposal is easy and vitrification provides added safety. Clay is also simple, cheap and universally available.

The team is seeking assistance with funding for materials, analysis and student stipends. In particular, to further this project, the team needs an inductively coupled plasma-mass spectrometer (ICP-MS). This machine is the only instrument that can analyze the water to guarantee its safety for drinking. The ICP-MS would have to be housed at a university, such as NMSU.

Members of the committee asked various questions about the project and its needs. When asked why the presenters have not sought funding from the research and development department at NMSU, Dr. Lara informed the committee that the project had been voted down. A member of the committee suggested the team present before the interim Radioactive and Hazardous Materials Committee.

Intertribal Ceremonial Update

John Beeman, president, Gallup Intertribal Indian Ceremonial Association, addressed the committee with an update on the 92nd Annual Ceremonial, held August 7-11, 2013. Learning from the criticisms from the previous year's event, Mr. Beeman informed the committee that the association brought back both the pow wow event and the "Flying Voladores". Mr. Beeman highlighted some of the other featured events at the 92nd Annual Ceremonial, which was attended by approximately 8,000 people. The Gallup Intertribal Indian Ceremonial receives about $160,000 in state, county and city funding, and the event costs between $450,000 and $500,000 to produce. Mr. Beeman distributed packets from the event, and a group of Native American dancers performed three dances for the committee.

The committee recessed at 5:01 p.m.

Friday, September 27 — Pueblo of Zuni

Senator Pinto reconvened the meeting at 9:12 a.m. Arlen P. Quetawki, Sr., governor, Pueblo of Zuni, provided an invocation. Members of the committee, staff and audience introduced themselves. Representative Alcon chaired the committee meeting.

Invocation, Welcome and Status Update

Governor Quetawki welcomed the committee and introduced members of the tribal council. Governor Quetawki provided some background of the Pueblo of Zuni, adding that the pueblo is a non-gaming tribe with over 10,000 members. Many members of the pueblo are self-employed jewelers and farmers. The pueblo has relied on state funding for economic development and education for many years, but it has seen a reduction in those funds, making growth in those areas difficult. The pueblo is working on a new initiative to attract business to the community. Governor Quetawki noted that the Pueblo of Zuni is the first Native American tribe to participate in the MainStreet program, holding its first MainStreet festival in May 2013.

Andrew Othole, director of planning and development, Pueblo of Zuni, gave an overview of the pueblo's infrastructure capital improvement plan for fiscal years 2015-2019. The pueblo has worked diligently on its infrastructure development, including a new domestic water and wastewater system for the community. Mr. Othole reported that the pueblo has met the environmental requirements for the wastewater project. These initiatives, once implemented, will allow the pueblo to provide an environment that attracts an array of local, regional and national businesses.

Regarding the wastewater project and its funding sources, Mr. Othole disclosed that the Pueblo of Zuni is looking for financial assistance from some of the gaming tribes and has been working with Regis Pecos to acquire funding from the United States Department of Agriculture (USDA). The pueblo is still waiting to hear from the New Mexico Finance Authority (NMFA) regarding funding for these projects.

Regarding gaming in the Pueblo of Zuni, the presenters explained that the pueblo does lease some gaming machines to tribes in Arizona; it is not, however, considered to be a gaming tribe by the State of New Mexico. Due to the current economic status of the pueblo, it is beginning to look into the pros and cons of becoming a gaming tribe. Governor Quetawki is cognizant of the social problems associated with gaming and is waiting to bring the issue before the community as a whole.

Motion

Representative Lundstrom made a motion for Rick Martinez, director of business development, NMFA, to provide a full status report on the Zuni water project at the next IAC meeting. The motion was seconded by Representative Madalena and passed unanimously.

Motion

A motion by Representative Lundstrom, seconded by Representative Madalena, passed unanimously for the Zuni water and wastewater projects to be considered critical infrastructure projects and to be included in the Jobs Council jobs infrastructure bill.

Motion

A motion by Representative Lundstrom, seconded by Senator Shendo, passed without objection for the IAD to have each tribe and pueblo select its most critical economic development project to be included in the Jobs Council's jobs infrastructure bill. This list is to be provided to the IAC.

Representative Powdrell-Culbert asked to have a representative from the Jobs Council present at the next IAC meeting to provide an update on the work of the council.

Dental Therapist: Meeting the Oral Health and Access Needs of the Native American Community

Pamela Blackwell, J.D., project director for oral health access for Health Action New Mexico, a statewide health care consumer advocacy organization, said that New Mexico ranks thirty-ninth in the U.S. for the number of dentists per 1,000 population. Thirty-four percent of third graders have dental decay, and very few dentists in New Mexico accept Medicaid. According to Ms. Blackwell, poor oral health leads to absence from school and work and causes other health problems. Ms. Blackwell provided information on the dental therapist program and issues related to tribal sovereignty.

Daniel Kennedy, dental health therapist, shared his experience as a dental therapist in Alaska. Mr. Kennedy added that part of the goal with dental therapy is educating communities, particularly new mothers, on good oral health habits and how to pass those habits on to their children.

DezBaa A. Daman-Mallette, D.M.D., clinical director, Nizhoni Smiles, provided more information about the dental therapy program in Alaska. Dr. Daman-Mallette outlined the important factors for a dental therapist program, which include a culturally competent provider, a

strong support/mentor system, continuity of care, changes in the practice of dentists and the evolution of the dental therapist program in Alaska.

Terry Batliner, D.D.S., M.B.A., a dentist from Boulder who is associate director of the Center for Native Oral Health Research at the Colorado School of Public Health, spoke about oral health in tribal areas and the importance of preventative care.

Michael E. Bird, chair, Kewa Pueblo Health Corporation, highlighted the socioeconomic status and oral health of Native American populations in New Mexico. Mr. Bird acknowledged the negative press that New Mexico has received regarding low ratings on health care. Mr. Bird believes that the dental therapy program builds the capacity for tribal areas to care for their own people. He also spoke about tribal self-determination and sovereignty, saying that outside governments do not always know what is best for Native American people.

Rex Lee Jim, vice president, Navajo Nation, addressed the committee about the need for a remedy for the oral health shortage among Native American communities, particularly within the Navajo Nation. Vice President Jim shared statistics about the oral health of the Navajo Nation: 10 percent of young children have tooth decay; 25 percent of Native American elders are without their natural teeth; and only 59 percent of children in the third grade have seen a dentist in the past year. He stressed the desire to see Navajo speakers become dental therapists, adding that people who are from the community are best able to communicate with members from an area. The Navajo Nation supports the dental therapy program legislation. Vice President Jim expressed that a proposed board of dental therapists should include two Native American voting members.

An IAC member inquired about the education and capabilities of dental therapists; the differences between hygienists, therapists and dentists; how programs would be set up in rural areas; billing and insurance; and how the Alaskan model was implemented. Some members expressed concern about the issues with the dental therapy bill, HB 17, from the 2013 session, and that those issues had not been addressed.

Several members of the committee voiced their support for the program, citing benefits to economic development in rural areas and the promotion of healthy communities, and encouraged the panel to continue with this program.

In response to questions about the positions of the New Mexico Dental Association and the American Dental Association, Joe Menapace, lobbyist, offered to prepare a full presentation for the committee.

Senator Martinez asked Representative Madalena to have the Legislative Health and Human Services Committee, which Representative Madalena chairs, to consider the issue of dental therapists and dentists in the state.

Higher Education: Update on Outreach to Native American Students by Northern New Mexico College (NNMC)

Ricky Serna, vice president for advancement, NNMC, and Kimberly Sisneros-Othole, director, American Indian affairs, NNMC, provided an overview of NNMC and its Northern Pueblos Institute. NNMC is seeking to become a Hispanic and Native American institution that will be recognized nationally for cultural sustainability, quality student learning and developing economically strong communities among diverse populations. The presenters discussed the demographics of the student population and the academic programs offered by NNMC. The institutional strategic priorities include accreditation for the engineering, college of education, nursing and business administration programs; enhancing the college's retention rates; increasing student enrollment; and establishing a residence hall.

Ms. Sisneros-Othole shared the Northern Pueblos Institute's mission to cultivate student leadership and support tribal capacity-building to be successful Native Americans in the twenty-first century. Ms. Sisneros-Othole provided information on Native American enrollment, illustrating student increases over the past several semesters. Despite growth in enrollment and program expansions, NNMC receives less than any other four-year institution in the state in appropriations and tuition revenue.

NNMC strives to build strong rapport with school districts. NNMC has partnerships for dual credit with Pojoaque Valley schools, Dulce schools and the Santa Fe Indian School. As part of ongoing initiatives, NNMC is collaborating with state colleges, tribal colleges, community-based organizations and state and local policymakers to work together to improve post-secondary educational opportunities for Native American students.

UNM-Gallup Native American Education Initiative

Dr. Christopher Dyer, executive director, UNM-Gallup, addressed the committee regarding UNM-Gallup's Native American Education Initiative. Dr. Dyer discussed the following programs:

Allied Health Care — UNM-Gallup is looking to expand its public health care curriculum, working on establishing a "healthy foods movement" and becoming a regional center for community gardens and nutritional therapy.

Work Force Development — founded as a reaction to the community's criticism of not having enough work force development, UNM-Gallup is creating business incubators, child care centers and work force connection centers.

EMS/FEMA Navajo Youth Corps — this program focuses on developing a community-based disaster resilience model with a youth action team able to respond to emergencies. This program is funded by a Blue Cross-Blue Shield emergency response grant.

Johnston Scholarship Foundation — this scholarship program focuses on entrepreneurship and provides between $600 and $1,200 per semester per student. The scholarship program currently funds 18 students, with hopes to expand funding.

Teach for America — Teach for America is interested in recruiting new teachers from UNM-Gallup's bachelor and graduate programs.

Dry Land Agriculture — this program focuses on working with groups, including the Pueblo of Zuni, the Navajo Nation, the USDA and UNM-Grants, to rejuvenate watersheds.

Zuni MainStreet

Tom Kennedy, director of tourism, director of the Pueblo of Zuni MainStreet (ZMS), shared the accomplishments of the program. In July 2012, the Pueblo of Zuni was inducted into the New Mexico MainStreet (NMMS) program as the nation's first Native American MainStreet community. The ZMS has made significant organizational progress in the first year, including the formation of a board, election of officers, adoption of bylaws and application for 501(c)(3) status. The board is focusing on four areas: design, economic positioning, promotions and organization. Mr. Kennedy also highlighted a community design workshop, facilitated by the NMMS, on the redesign of the four-way intersection in the ZMS district in July 2013. He credited the pueblo as the main support of ZMS. Mr. Kennedy provided a list of upcoming ZMS funding needs, including:

- operational funding to match tribal contributions;
- master planning;
- four-way intersection project — architectural plans and construction;
- general design enhancements; and
- signage.

Mr. Kennedy also presented on behalf of the Indian tourism program of the Tourism Department (NMITP), by giving an overview of the program's activities. The NMITP has met with tribes one on one to discuss how to better collaborate and promote destinations and enterprises. Mr. Kennedy provided examples of how the NMITP has implemented several projects to promote tourism into tribal communities, including interactive maps, the use of the "New Mexico True" brand and media advertisements featuring dancers and points of interest. Mr. Kennedy said that to promote tourism and to make the Pueblo of Zuni a marketable, attractive destination, it needs an attractive main street; lodging (currently, the pueblo has only one inn with seven rooms, so visitors end up staying in Grants or Gallup, making the economies of those cities the beneficiary); and the development of other venues, thus providing other cultural attractions in the area.

Adjourn

There being no further business before the committee, the fourth meeting of the IAC adjourned at 3:22 p.m.