

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

**November 21, 2014
Room 322, State Capitol
Santa Fe**

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The sixth meeting of the Indian Affairs Committee (IAC) was called to order at 10:12 a.m. by Representative Sandra D. Jeff, co-chair, on Friday, November 21, 2014, in Room 322 at the State Capitol in Santa Fe.

Present

Sen. John Pinto, Co-Chair
Rep. Sandra D. Jeff, Co-Chair
Rep. Eliseo Lee Alcon
Rep. Alonzo Baldonado
Rep. Sharon Clahchischilliage
Rep. Patricia A. Lundstrom
Rep. James Roger Madalena
Sen. Richard C. Martinez
Sen. Cliff R. Pirtle
Rep. Jane E. Powdrell-Culbert
Sen. Nancy Rodriguez
Sen. Benny Shendo, Jr.

Absent

Sen. John C. Ryan
Sen. William P. Soules

Advisory Members

Rep. Ernest H. Chavez
Rep. Zachary J. Cook
Rep. Georgene Louis
Sen. Cisco McSorley
Rep. Debbie A. Rodella
Rep. Patricia Roybal Caballero
Sen. Clemente Sanchez

Sen. Carlos R. Cisneros
Sen. Stuart Ingle
Sen. Daniel A. Ivey-Soto
Rep. Antonio "Moe" Maestas
Rep. Nick L. Salazar

Staff

Peter Kovnat, Staff Attorney, Legislative Council Service (LCS)
Mark Edwards, Staff Attorney, LCS
Michelle Jaschke, Researcher, LCS

Guests

The guest list is in the meeting file.

Handouts

All handouts and other written testimony are included in the meeting file.

Friday, November 21

Welcome and Introductions

Representative Jeff welcomed committee members and members of the audience and asked committee members and guests to introduce themselves.

Santa Fe Indian School: Academic Performance and Capital Outlay Allocation

Superintendent Roy M. Herrera, Santa Fe Indian School (SFIS), explained that the SFIS, a tribally controlled consortium serving middle and high school students, was started in 1890 and moved to the current campus in Santa Fe in 1977. The land on which the campus is located was given in trust to the 19 pueblos in the state. Superintendent Herrera reported that the SFIS currently serves more than 700 students who come from all 19 pueblos, the Navajo Nation and Apache tribes, as well as from out of state. Superintendent Herrera stated that the SFIS is meeting adequate yearly progress standards and has produced six Gates Millennium scholars this year. Educational expenses for these scholars are paid by the Gates Foundation for up to 10 years.

Superintendent Herrera asked for the committee's help in funding Phase II of a project to provide lighting for outdoor recreational areas at the SFIS. He reported that the SFIS continues to struggle with the capital outlay process at the state level each year because the school has yet to be recognized as eligible for inclusion in the statewide capital outlay funding process. Gary Lujan, director of trust land, SFIS, stated that the SFIS has been diligent in its management of all capital outlay funds awarded to the school and that all of the funds have been expended.

Senator Rodriguez moved that the committee send a letter to the Legislative Finance Committee and to the governor in support of including the SFIS on the statewide project list for capital outlay assistance. Representative Madalena seconded the motion, and the motion passed unanimously.

Committee members requested information regarding the Leasehold Community Assistance Act (LCAA) presentation that had again been dropped from the agenda. Mr. Kovnat informed the committee that he had received a memorandum regarding the LCAA from the Local Government Division (LGD) of the Department of Finance and Administration. Mr. Kovnat reported that despite repeated requests to the LGD to send a representative to the IAC meetings to explain the provisions of the LCAA, the LGD has not done so.

Minutes of the Meeting of October 30-31, 2014

On a motion duly made and seconded, the minutes of the IAC meeting of October 30-31, 2014 were unanimously approved.

Consideration of Legislation for Endorsement

Mary Garcia, executive director, Albuquerque Indian Center (AIC), and Gordon Yawakia, prevention coordinator, AIC, asked the committee to endorse proposed legislation to appropriate \$210,000 to support programs that provide services to urban Indians. Senator Martinez moved to endorse the proposed legislation. Representative Jeff seconded the motion, and the motion passed unanimously.

Mr. Kovnat stood for questions regarding proposed legislation that would appropriate \$300,000 to purchase, operate and maintain mobile outreach vehicles to provide services to New Mexico veterans. The proposed legislation, sponsored by Representative Bob Wooley, received the endorsement of the Military and Veterans' Affairs Committee. Senator Martinez moved to endorse the proposed legislation, and Representative Alcon seconded the motion. The motion passed unanimously.

Joel Davis and Kooch Jacobus, representing the Fort Sill Apache Tribe, asked the committee to endorse proposed legislation sponsored by Senator Soules to allow the state to enter into cooperative agreements with the tribe. Mr. Davis informed the committee that a New Mexico Supreme Court ruling has identified areas, including alcohol and tobacco sales, where the Fort Sill Apache Tribe is not statutorily recognized in New Mexico. The intent of the proposed legislation is to give the tribe an equal footing with other New Mexico tribes in those areas.

Members of the committee discussed the need to provide separate authorizing legislation for cooperative agreements with the Fort Sill Apache Tribe. Mr. Kovnat stated that because Fort Sill Apache tribal lands are located in two states, the language currently included in statute does not apply to the Fort Sill Apache Tribe and that separate legislation is required. It was noted that the Pueblo of Zuni has land holdings in two states as well, and committee members asked that staff revisit the authorizing legislation for the Pueblo of Zuni to elucidate any statutory distinctions that may exist.

Representative Alcon moved to endorse the proposed legislation. Representative Powdrell-Culbert seconded the motion, and the motion was unanimously approved.

Mr. Kovnat stood for questions regarding proposed legislation to add a representative from the Fort Sill Apache Tribe to the Native American Suicide Prevention Advisory Council and the Indian Education Advisory Council, respectively. The proposed legislation is sponsored by Senator Soules. Mr. Davis observed that 26 members of the Fort Sill Apache Tribe currently reside in New Mexico and that the tribe hopes to bring more of its 800 members who currently reside in Oklahoma to New Mexico as the tribe develops its New Mexico facilities.

Representative Alcon moved to endorse the proposed legislation. Representative Powdrell-Culbert seconded the motion. The motion was unanimously approved.

Mr. Kovnat stood for questions regarding proposed legislation to add two members to the Tribal Infrastructure Board (TIB), increasing the TIB's membership from nine to 11 members.

The proposed legislation is sponsored by Senator Soules. The proposed legislation would add a member representing the Fort Sill Apache Tribe and one additional pueblo member.

Indian Affairs Department (IAD) Counsel Moses Winston and Secretary of Indian Affairs Arthur P. Allison objected to the proposed legislation, stating that additions to the board would upset the current balance of representation in allocating funding. Committee members asserted that the proposed changes would not provide adequate representation for the pueblos in the funding process. Some committee members suggested that the proposed legislation should restructure how representatives to the board are appointed to provide for legislative appointees as well as gubernatorial appointees.

Committee members deferred action on the proposed legislation and encouraged Fort Sill Apache tribal representatives to work with the IAD and with other tribes to come to an agreement on how best to include representation for the Fort Sill Apache Tribe in all pertinent state processes.

Adjournment

There being no further business before the committee, the meeting was adjourned at 12:00 noon.

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