

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

**August 17, 2011
Elephant Butte Inn and Spa
Elephant Butte**

**August 18, 2011
Sky City Casino — Piñon Room
Pueblo of Acoma**

**August 19, 2011
To'hajiilee Chapter/District Court**

The third meeting of the Indian Affairs Committee (IAC) was called to order by Representative James Roger Madalena, co-chair, on August 17, 2011 at 10:06 a.m. at the Elephant Butte Inn and Spa in Elephant Butte.

Present

Rep. James Roger Madalena, Co-Chair
Sen. John Pinto, Co-Chair
Sen. Rod Adair (8/17)
Rep. Ray Begaye (8/17)
Rep. Sandra D. Jeff
Sen. Lynda M. Lovejoy
Rep. Patricia A. Lundstrom
Sen. Richard C. Martinez
Rep. Jane E. Powdrell-Culbert (8/18, 8/19)
Sen. Nancy Rodriguez
Sen. John C. Ryan (8/17, 8/19)

Absent

Sen. George K. Munoz
Rep. James E. Smith

Advisory Members

Rep. Eliseo Lee Alcon
Rep. Ernest H. Chavez
Rep. Debbie A. Rodella

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

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

Staff

Damian Lara
Peter Kovnat
Cassandra Jones

Guests

The guest list is in the meeting file.

Handouts

Handouts and other written testimony are in the meeting file.

Wednesday, August 17 — Elephant Butte Inn and Spa, Elephant Butte

Committee members and staff introduced themselves. Paul Ortega gave an invocation.

Chihene Nde Nation of New Mexico

Manuel P. Sanchez, chair of the Chihene Nde Nation, introduced himself and tribal members in attendance. He explained that *chihene* is Apache for "Red Paint People" and that the name is derived from red rocks that can be found in a local cave. Mr. Sanchez elaborated on the history of the Chihene Nde people and listed well-known Chihene Nde people. The Chihene Nde people have been relocated several times throughout history and now have no land of their own and are not a federally recognized tribe. Mr. Sanchez explained that the Chihene Nde people are currently seeking federal re-recognition of their tribal status through legislative action by Congress. Economic development and land components are the only two requirements missing from the Chihene Nde's application for federal recognition. A partnership with the Hot Springs Land Development (HSLD) Company will fulfill those requirements. Mr. Sanchez explained that the tribe has support from United States Senator Tom Udall and Congressman Steve Pearce and is seeking support from the New Mexico Legislature in the form of a joint memorial to urge the New Mexico congressional delegation to support federal recognition of the Chihene Nde Nation of New Mexico.

Pablo Martinez, a member of the audience, expressed support for the Chihene Nde Nation and requested that the state legislature support the nation's federal recognition through a joint memorial.

In response to a question from a committee member, Gil Apodaca, tribal administrator for the Chihene Nde Nation of New Mexico, explained that before the Chihene Nde Nation changed its name, the Chihene people were known as the Warm Springs Band of the Chiricahua Apache.

In response to a question from a member of the committee, Mr. Sanchez explained that in order for a person to be a member of the Chihene Nde Nation, a historian from the nation must be able to trace family lineage back to one of the four Apache *rancherias* established under the Spanish Court. DNA testing is also considered as supportive documentation. Mr. Sanchez and Mr. Apodaca expressed their belief that recognition is essential to the tribe's ability to move forward economically.

The HSLD

Greg Neal, chief executive officer, HSLD, explained the HSLD plan for economic development and job creation. He told the committee that the HSLD has 10,500 acres of zoned land that can be used for development. The HSLD wants to create a new city in south-central New Mexico with the Chihene Nde Nation as the company's partner — an arrangement that is mutually beneficial because the HSLD will provide the development and land, which will be put in a trust and given to the Chihene Nde Nation, while the tribe will provide tax benefits. In order to receive tax benefits, the Chihene Nde Nation needs to be federally recognized.

Mr. Neal explained that a land exchange was made with the State of New Mexico under Commissioner of Public Lands Patrick Lyons. The HSLD previously traded 9,200 acres of ranch land in Tatum for 7,387.46 acres of public land near Truth or Consequences.

In response to a question from a committee member, Mr. Neal explained that the amount of land that would be considered for the trust depends on how many projects that the HSLD engages in with tribal partnership. Each business opportunity will be evaluated, and as tribes partner with the HSLD, which will provide the capital, the land will be given to the participating tribe.

A member of the committee asked Mr. Neal if the HSLD plans would change if the Chihene Nde Nation is unable to receive federal recognition. Mr. Neal said that the HSLD is able to develop the businesses without a tribal partner but that a partnership is preferable. If the Chihene Nde Nation is unable to receive recognition, other tribal entities will be invited to help develop the property.

In response to a question from a committee member, Mr. Apodaca confirmed that those requesting membership in the Chihene Nde Nation will be required to detach themselves from any other tribes. Mr. Neal told the committee that plans for economic development had been presented to the local community in 2008 and had received its support. The company has not communicated with other tribes but is prepared to do so in the future. In response to a question from a committee member, Mr. Sanchez explained that the location of the proposed land trust will not support a gaming operation but that manufacturing is an option that is being considered.

Representative Lundstrom made a motion to request an opinion letter from Commissioner of Public Lands Ray Powell regarding how the land trade with the HSLD would benefit the state. The motion was seconded by Representative Rodella and passed without opposition.

Minutes

Upon a motion by Representative Begaye, seconded by Senator Rodriguez, the committee approved the minutes from the second meeting of the IAC for the 2011 interim.

Fort Sill Apache Tribe

Jeff Houser, chair of the Fort Sill Apache Tribe, told the committee that the Fort Sill Apache Tribe has filed an application to put into trust 20 acres of land that the tribe considers to be sacred. This application is being processed by the United States Department of the Interior (DOI). Mr. Houser briefly explained the history of the Fort Sill Apache Tribe.

In response to questions from members of the committee, Mr. Houser explained that the 20 acres of land to which he referred are located south of Dusty, New Mexico. The land is not conducive to gaming or development but has cultural significance to the tribe.

A member of the committee asked if the Fort Sill Apache Tribe is related to the Chihene Nde Nation. Mr. Houser clarified that the groups are separate. The Fort Sill Apache Tribe has achieved federal recognition and has trust land in Arizona, Oklahoma and New Mexico. Mr. Houser stated that the Fort Sill Apache Tribe could not comment on the legitimacy of claims made by the Chihene Nde Nation. He explained that many of the Fort Sill Apache people had been taken as prisoners of war in the past and that meticulous records of those people exist.

A member of the committee asked Mr. Lara, staff attorney, Legislative Council Service, to explain why the Fort Sill Apache group was put on the agenda for the meeting. Mr. Lara explained that some members of the committee requested that the Fort Sill Apache Tribe be present in order to clarify questions about the similarity of names and ancestors between the Fort Sill Apache Tribe and the Chihene Nde Nation and to express their position concerning the federal recognition of the Chihene Nde Nation. Mr. Houser told the committee that the DOI has a well-used process to determine tribal recognition and that the Fort Sill Apache Tribe will support the Chihene Nde Nation if it can achieve federal recognition based on DOI federal regulations.

Mr. Houser stated that the Fort Sill Apache people do not have equal standing with other tribes in Oklahoma or New Mexico because their ancestors were prisoners of war, and he expressed a desire for tribal members to be able to return to their original homeland in New Mexico.

Mescalero Apache Tribe

Mark R. Chino, president of the Mescalero Apache Tribe, stated that the Chihene Nde Nation people are not a tribe, despite their distant genetic connections to Indians, because they do not live as Indians. He said that if their ancestors were Apache, members of the Chihene Nde Nation made a conscious decision to abandon the Apache way of life. The Mescalero Apache Tribe represents the Chiricahua, Lipan and Mescalero Apache. The Chiricahua include the Warm Springs Apache people, who are also known as Chihene. President Chino expressed his suspicion that the Chihene Nde Nation is seeking recognition from the State of New Mexico as a first step to open a casino. He said that the group does not meet the rigid requirements laid out by the federal government for tribal recognition.

President Chino stated that the members of the Fort Sill Apache Tribe are Indians but are not New Mexicans. Members of the Fort Sill Apache Tribe have not shown any inclination toward settling on trust land that they own in New Mexico. Their ancestors made the conscious decision to stay in Oklahoma, and their descendants have affirmed that decision. President Chino stated that the Fort Sill Apache people want to open a casino and that allowing non-New Mexico Indian tribes to open casinos in New Mexico would disturb the delicate balance that tribes in New Mexico have with the state.

A member of the committee commented that it is sad that the Apache tribe does not have the ability to welcome people of their own blood into the Native American community.

Another member of the committee stated appreciation for the Mescalero Apache Tribe's dedication to tradition. Some Indian nations have only been interested in claiming their heritage since gaming became a possibility.

Several members of the committee discussed the need for more education about, and more discussion on, the possibility of endorsing the Chihene Nde Nation of New Mexico. However, a committee member expressed reluctance to endorse the Chihene Nde Nation of New Mexico because economics seems to be the driving force of the Chihene Nde Nation's desire to be a recognized tribe. After some discussion, the committee decided that this issue requires further contemplation before any action can be taken.

Indian Child Welfare Act (ICWA) of 1978, Section 1917: Adopted Indian Children to Receive Tribal Affiliation Information

Bernie Teba, tribal liaison for the Children, Youth and Families Department (CYFD), explained the history of the ICWA. The act allows adopted persons over the age of 18 to request adoption information in order to identify their tribal affiliation. If biological parents sign an affidavit of anonymity, enough information can still be released to the adoptee for the adoptee to determine eligibility for membership and enrollment into a tribe. People who were adopted before the ICWA will still have access to their adoption information. New Mexico law reaffirms that the state will comply with the federal law as it relates to the ICWA.

A committee member introduced Melissa Smith, a member of the audience, and asked her to speak. Ms. Smith told the committee that she was adopted, and she believes that she is Native American. Ms. Smith explained that the CYFD has not been able to locate her records. She would like to inquire about tribal enrollment, but she does not know the tribe of which her biological parents were members. Mr. Teba told Ms. Smith that he would be happy to work with her to try to facilitate her requests.

Following the presentation by the CYFD, Representative Madalena recessed the meeting at 4:08 p.m.

Thursday, August 18 — Piñon Room, Sky City Casino, Pueblo of Acoma

Senator Pinto reconvened the meeting at 9:39 a.m. Members of the committee introduced themselves. Randall Vicente, governor of the Pueblo of Acoma, gave an invocation.

Welcome and Status Update — Pueblo of Acoma

Governor Vicente introduced himself and other members of the tribal administration. He told the committee that the Acoma gaming industry employs 500 people, including Indians and non-Indians. Governor Vicente said that because of the Sky City Casino and the Pueblo of Acoma tribal offices, the Pueblo of Acoma is the largest employer in Cibola County. He went on to update the committee on the Pueblo of Acoma. The new bridge at Exit 102, off of Interstate 40, won an award at an Indian awards ceremony. Pueblo of Acoma gaming revenue dropped in 2008, which caused the casino to lay off staff and cut back services. The 2009 census indicated that the unemployment rate in Acoma was 35%. The Pueblo of Acoma hires people from Grants as well as from neighboring land grants and tribes. The tribal council is planning to turn an area in the Pueblo of Acoma into an industrial park and is looking for help with economic development. The council does not support any measures by the New Mexico

Legislature that would undo gas or cigarette tax agreements with tribes. The governor also expressed concern about the inability of public schools to educate Native American children. School districts should assure pueblos that their students are being prepared for future opportunities.

Governor Vicente also stressed the importance of cultural sites to the Pueblo of Acoma people, citing Mount Taylor as one of the tribes most valued cultural properties. The governor asked that the legislature help protect Mount Taylor and other cultural properties.

In response to a question from a committee member, Governor Vicente stated that there are approximately 5,034 members of the Pueblo of Acoma. He stated that this population is comparable to many of the other pueblos in the area and that many members of the Pueblo of Acoma reside in those areas that surround the pueblo. The Pueblo of Acoma offers hotel amenities and a restaurant. It also owns a convenience store, franchises of Subway and McDonald's and information system services that wire buildings for electronics. The Pueblo of Acoma also has a ranching business with the potential to run more than 2,000 head of cattle.

A member of the committee asked if the Pueblo of Acoma had considered issues of uranium mining concerning traditional cultural property. The governor stated that the Pueblo of Acoma is always in favor of the protection of traditional cultural property. The pueblo supports economic development but not at the expense of traditional cultural property or the contamination of water. Governor Vicente and members of the committee discussed some of the consequences of past uranium mining in the area. The governor also told the committee that the Economic Development Department has been a part of the planning process for the industrial park at the Pueblo of Acoma. He expressed a need for collaboration with Governor Susana Martinez.

Native American Tourism

Monique Jacobson, secretary, Tourism Department (TD), told the committee that Indian tourism is one of the most important aspects of tourism in New Mexico. Indian tourism differentiates New Mexico from other states. Tourists look for authentic experiences like those found in New Mexico. Secretary Jacobson stressed the importance of state relations with Indian tribes.

Mark Trujillo, Indian tourism program director and tribal liaison, TD, said that he has met with nine tribes and is still trying to schedule meetings with the remaining tribes in New Mexico. He is also redesigning New Mexico's Native American guide.

Indian Affairs Department (IAD) Special Projects

Rebecca Martinez, capital outlay manager for the IAD, outlined the special projects that receive funding from the Tribal Infrastructure Project Fund (TIPF). She stated that the budget for FY 2011 provided over \$1.2 million for projects but that the budget for FY 2012 had cut back the amount of funding, which meant that budgets for individual special projects had to be cut as well.

TIPF Applications: Looking Ahead

Stephanie Schardin Clarke, interim director, State Board of Finance, explained to the committee that on January 15, 2012, the board will inform the legislature of the maximum severance tax bonding capacity for FY 2013. The July estimate of the maximum severance tax

bond capacity was \$264.3 million. The TIPF is allocated 5% of the maximum capacity, which is equivalent to \$13.2 million.

Arthur Allison, secretary-designate, IAD, told the committee that a problem with capital outlay is that funds tend to get tied up while waiting for authorizations from various tribal systems. Secretary Allison is the chair of the Tribal Infrastructure Board, which is looking at ways to streamline the tribal approval process in order to make capital outlay more effective.

Ms. Martinez said that the IAD has revised its policies and guidelines for the TIPF. These guidelines are likely to be made available to the tribes in September, pending approval by the Tribal Infrastructure Board. The IAD will provide outreach training and technical assistance to the tribes in October and the deadline for proposals will be in November. The IAD plans to work with the community to put proposals together and get them ready for review by the Tribal Infrastructure Board. Ms. Martinez said that the new guidelines make the TIPF system more equitable than it has been in the past. The IAD expects decisions to be made by the Tribal Infrastructure Board regarding TIPF awards by May 1. The contracting process should begin by June 1.

Ms. Martinez referred members of the committee to the handout provided by the IAD and explained that handouts in the TIPF section that are highlighted in blue are under way, while those highlighted in green have been completed. She also said that the IAD has identified 33 additional funding streams to assist those that apply for TIPF money. In response to a question from a member of the committee, Ms. Clarke explained that any capital outlay bills passed during the special session in September and during the 2012 regular session would be taken from the same bonding capacity. In response to a question from a committee member, Secretary Allison said that he hopes to fill two positions on his staff very soon.

A member of the audience, Robert Ortiz, planner for the Pueblo of Santa Ana, was introduced and invited to speak by a member of the committee. Mr. Ortiz said that the TIPF program is beneficial to the tribes, but the Pueblo of Santa Ana does not have access to the program because the program requires that the pueblo release its financial statements. The tribal council will not allow the Pueblo of Santa Ana to release the pueblo's financial statements. He stated that tribes should be allowed to use a tribal council resolution to show that funds have been obligated to match the TIPF without releasing their financial information.

Ms. Martinez stated that the IAD has looked into this issue and that it has developed new policies that it believes will provide a solution. These policies will be explained after the new guidelines are approved and released in September.

Rick Martinez, chief of client services, New Mexico Finance Authority (NMFA), told the committee that the NMFA is working with federal agencies in order to access every possible revenue stream. The NMFA is also looking at phasing in processes and making other changes that may make the system more effective. In response to a question from a committee member, Mr. Martinez said that he would be meeting with the Pueblo of Zuni soon to discuss a wastewater system and that the pueblo has asked for approximately \$5 million. The NMFA is trying to access various resources in order to obtain the requested amount.

State-Tribal Collaboration on Cigarette Taxes and Escrow Payments

Wayne H. Bland, attorney at the Nordhaus Law Firm, LLP, which represents the pueblos of Taos, Santo Domingo, Santa Ana and Laguna, as well as Indian Pueblo Marketing, Inc., expressed concerns about statements made in a letter addressed to the governor concerning a cigarette business that may be connected to Secretary Allison. Mr. Bland said that the statements misrepresent the applicable law and affect state authority over taxation issues on tribal land. The letter stated that New Mexico has no authority to regulate sales on tribal land to non-tribal members. Mr. Bland said that his largest concern is that this approach is not consistent with the tax policy decisions that the legislature has made. He outlined two different approaches to taxation on tribal lands. He called one the "power approach" and the other the "policy approach". Carolyn J. Abeita, an attorney at VanAmberg, Rogers, Yepa, Abeita & Gomez, LLP, asked the committee to be mindful of outside influences that try to affect New Mexico policy.

Tobacco Master Settlement Agreement and Collection of Escrow Payments

Albert J. Lama, chief deputy attorney general, told the committee that Attorney General Gary King understands the structure of New Mexico as it relates to tax issues and tribal sovereignty. He explained how the cigarette tax system works in New Mexico. The excise tax on cigarettes is the responsibility of the distributor, and the escrow is the responsibility of the manufacturer. There is no tribal responsibility regarding the collection of taxes. Mr. Lama stated that it is important to collect escrow on sales from the manufacturer because that collection protects funding from the Master Settlement Agreement (MSA). The legislature relies on money from the MSA to fund various programs. The Attorney General's Office (AGO) is not attempting to change the structure that the legislature has put in place. The AGO seeks to ensure that statutes regarding collection of escrow are not open to interpretation. Mr. Lama stressed that the AGO is supportive of New Mexico tribes.

Upon a motion by Representative Rodella, seconded by Representative Madalena, the committee voted without objection to send a letter to Attorney General King requesting the continued support of tribal sovereignty, current tax policy in New Mexico and efforts for the state to continue receiving payments from the MSA.

Use of Impact Aid Set-Aside: A 50-State Comparison

Barbara J. Alvarez, a policy analyst at the IAD, told the committee that 29 states out of 50 are eligible to apply for impact aid based on Indian population. Ms. Alvarez contacted each of these states in order to create her presentation. Eleven states did not respond. Fourteen states reported that money received from impact aid goes directly to the school districts and does not flow through their respective public education departments. New Mexico is the only state that has a state equalization guarantee distribution. Districts turn in vouchers for impact aid to the Public Education Department, which uses the equalization formula to determine how much goes to the districts and how much stays at the state level. Out of 89 districts in the state, 69 districts receive some funding from impact aid.

In response to questions from the committee, Mr. Lara clarified that almost all other states fund education through property taxes. Because New Mexico funds education through its general fund, it has chosen to receive a credit for the impact aid that specifically makes up for the lack of property taxes on federal trust land.

Following the presentation by the IAD, Senator Pinto recessed the meeting at 4:06 p.m.

Friday, August 19 — To'hajiilee Chapter/Family Court, To'hajiilee Chapter

Senator Pinto reconvened the meeting at 9:38 a.m. Members of the committee introduced themselves. Raymond Secatero, president of the To'hajiilee Chapter, gave an invocation.

Senator Pinto invited Representative Chavez to chair the meeting because it took place in his district.

Welcome and Status Update — To'hajiilee Chapter

President Secatero told the committee that in the past, the To'hajiilee Chapter has been located in several different districts in New Mexico. He stated that every time the chapter becomes familiar with a new legislator, the chapter is shifted to a different district. The To'hajiilee Chapter currently has 17 projects under Navajo Nation programs. The president introduced Jim Platero, executive director of the Canoncito Band of Navajos Health Center, Inc., and asked him to elaborate on current health projects in the chapter.

Mr. Platero expressed concerns about projects that are stalled due to difficult processes within the Navajo Nation. He said that the new clinic allows for extended services on a limited basis. There are specific services that are only offered one or two days each week. The clinic would like to use third-party billing to provide revenue for increased services and infrastructure. He asked for funding assistance for planning and construction of roads and other forms of infrastructure.

In response to a question from a committee member, Mr. Platero stated that there are 1,600 residents served by the clinic and that people from the pueblos of Laguna and Acoma also visit the Canoncito clinic because of its modern equipment. Because the clinic can only serve approximately 30 people each day, this hinders the clinic's ability to serve the local community.

Delores Apache, president of To'hajiilee Economic Development, Inc., told the committee that the To'hajiilee Chapter has received money from the United States Department of Energy and the United States Department of Agriculture for a solar energy project. The To'hajiilee Chapter has responded to a request for proposals put out by PNM for 100 megawatts of energy, and the chapter is confident that its proposal will be strongly considered.

Nora Morris, community services coordinator for the To'hajiilee Chapter, asked the committee for support on projects proposed by the community. To'hajiilee Chapter students are sometimes bussed to school in Albuquerque because of the limited capacity of the To'hajiilee schools. Water and roads are also main priorities for the chapter.

Alamo Chapter — Status Update

Annabell Pino, vice president of the Alamo Chapter, asked for support from the committee. Ms. Pino stated that roads are very important to the Alamo Chapter because travel is required for many essential services, including health and education services. Power lines need to be upgraded in the Alamo Chapter, as well. Vice President Pino introduced Steve Wera, director of the Alamo Navajo School Board, Inc., who told the committee that the company is divided into five divisions: school, early childhood, community service, a clinic and a radio

station. The company also runs a water program. Mr. Wera expressed concerns about insufficient water and electrical systems and roads that are in terrible condition.

Vice President of the Navajo Nation

Rex Lee Jim, vice president of the Navajo Nation, said that he shares concerns with the people of the chapters of To'hajiilee and Alamo. He also said that the president of the Navajo Nation has charged him with education and health issues of the Navajo people. He emphasized the need for partnership and collection of resources in order to assist the To'hajiilee and Alamo chapters. The Navajo government is working on streamlining the project approval process to ensure that money is not returned to the state or federal governments due to the lengthy Navajo Nation approval process. There is a task force in place to address these issues.

Addressing the Needs of Native American Children

Daniel G. Moquin, staff attorney for the Judicial Branch of the Navajo Nation, told the committee that resource meetings are held periodically so that members of the community and others that can offer resources have an opportunity to work together to solve problems that cannot be solved by a single entity. Mr. Moquin also told the committee that the only Navajo Nation juvenile facility is located in Arizona. There are many Navajo children in New Mexico state juvenile facilities. Mr. Moquin recommended that a regional juvenile facility be built in the area so that Navajo children can return to their community and get culturally based resources. The To'hajiilee and Alamo chapters have very low per capita income and an unemployment rate of 72.5%. In the To'hajiilee Chapter, a new truancy protocol has been put in place as well as a number of other programs meant to benefit local Navajo youth. Mr. Moquin expressed concern about the road between the Alamo and To'hajiilee chapters, a dirt road that requires a lot of extra time for police officers and other emergency services. The legislative branch of the Navajo Nation would also like to see minor changes in the TIPF program so that regional projects are considered separately from individual community projects.

Jess Kirwin from the Navajo Nation Division of Social Services told the committee that many staff members have to travel between the Alamo and To'hajiilee chapters because there are not enough resources for them to have permanent positions in either place. In 2008, there were 937 domestic violence calls in eastern Navajo land, which has a population of approximately 36,000 people.

Regina Begay-Roanhorse, court administrator for the Judicial Branch of the Navajo Nation, told the committee that the chapters of To'hajiilee and Alamo share one prosecutor. There are only two police officers on duty at a time to serve the two communities. There is only one jail space, located in Crownpoint, that is used for sentencing, holding and pre-holds. Officers have to travel more than eight hours to transfer one person. Access to all resources includes extensive travel and often involves many flat tires because of damaged roads.

Ms. Begay-Roanhorse discussed the high crime rate in the community with the committee. The legislative branch is developing a Tribal Healing to Wellness Court and needs to hire a care coordinator. The branch hopes to receive funding through the CYFD. Ms. Begay-Roanhorse asked for additional funding to develop school-based programs to prevent substance abuse.

In response to a question from the committee, Mr. Moquin expressed concern that members of the community do not call police because it takes the officers too long to arrive. He stated that it is very difficult to quantify a problem with data because people have lost faith in the system. He also explained that the regional juvenile facility that he recommended would be used by all 52 Navajo Nation chapters located in New Mexico.

Senator Lovejoy made a motion for the committee to write a letter to the CYFD, requesting that it help fund and support a care coordinator for the Tribal Healing and Wellness Court in the To'hajiilee and Alamo chapters. The motion was seconded by Representative Madalena and passed without opposition.

Ramah Chapter — Status Update

Alvin Rafelito, director of community development for the Ramah Chapter, said that the chapter is looking at various funding sources for preplanning, planning, design and construction of projects, including a road project and school development. There are also several projects that have been initiated but cannot be completed due to lack of funds. Members of the committee offered suggestions about various funding sources that may be available to the chapter.

Cross-Commissioning Agreements

Regina Holyan, senior staff attorney for the Department of Justice, outlined various cross-commissioning agreements between the Navajo Nation and various state agencies. The Navajo Nation has cross-commissioning agreements with the McKinley County Police Department and the New Mexico State Police Division. The agreements allow agents from those departments and divisions to enforce Navajo traffic and criminal laws and allow officers from the Navajo Nation to enforce state laws. Ms. Holyan expressed a need for increased resources. In response to questions from members of the committee, Ms. Holyan clarified that if a person is pursued onto Navajo Nation land by a non-Navajo officer and apprehended, and that person is Navajo, then the person will be held until Navajo officers arrive.

Adjournment

There being no further business before the committee, the third meeting of the IAC for the 2011 interim adjourned at 3:03 p.m.