

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

**August 4-5, 2021
University of New Mexico-Gallup
Student Services and Technology Center, Room 200
705 Gurley Avenue
Gallup**

**August 6, 2021
McKinley County Building
207 West Hill Avenue
Gallup**

The joint meeting of the Indian Affairs Committee (IAC) and the Rural Economic Opportunities Task Force (REOTF) was called to order by Senator Shannon D. Pinto, co-chair, IAC, on August 4, 2021 at 9:13 a.m. at the University of New Mexico (UNM)-Gallup in Gallup.

Present

Rep. Georgene Louis, Co-Chair (8/4, 8/5)
Sen. Shannon D. Pinto, Co-Chair
Rep. Eliseo Lee Alcon
Rep. Anthony Allison
Rep. D. Wonda Johnson
Sen. William E. Sharer
Sen. Benny Shendo, Jr. (8/4, 8/5)
Sen. William P. Soules*
Rep. Martin R. Zamora

Absent

Rep. Brittney Barreras
Rep. Zachary J. Cook
Rep. Kelly K. Fajardo
Sen. Leo Jaramillo
Rep. Derrick J. Lente
Sen. Brenda G. McKenna
Sen. Cliff R. Pirtle
Sen. Nancy Rodriguez
Sen. Joshua A. Sanchez

Advisory Members

Rep. Harry Garcia (8/5)
Sen. Linda M. Lopez (8/4)
Rep. Patricia A. Lundstrom (8/4, 8/6)
Rep. Patricia Roybal Caballero (8/4, 8/5)

Rep. Gail Chasey
Rep. Doreen Y. Gallegos
Sen. Stuart Ingle
Sen. Michael Padilla
Rep. Elizabeth "Liz" Thomson

Guest Legislator

Sen. George K. Munoz

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

*Appointed by the president pro tempore of the senate as a voting member for this meeting only.

Staff

Ariel MacMillan-Sanchez, Staff Attorney, Legislative Council Service (LCS)
Lenaya Montoya, Staff Attorney, LCS
Mark Edwards, Bill Drafter, LCS
Sara Wiedmaier, Research Assistant, LCS
Samantha DeLap, Intern, LCS

Guests

The guest list is in the meeting file.

Handouts

Handouts and other written testimony are in the meeting file and posted on the legislature's website.

References to Webcast

The time reference noted next to each agenda item in this document is cross-referenced to the webcast of the meeting, which can be found at www.nmlegis.gov, under the "Webcast" tab. The presentations made and discussions for agenda items can be found on the recorded webcast for this meeting.

Wednesday, August 4 — Joint Meeting with the REOTF, UNM-Gallup

Welcome and Introductions (9:13 a.m.)

Senator Pinto welcomed members of the IAC and the REOTF, staff and the audience. Members and staff introduced themselves.

Welcome and Update from the City of Gallup and UNM-Gallup (9:27 a.m.)

Louie Bonaguidi, mayor, City of Gallup, and Dr. James R. Malm, chancellor, and professor, Business and Applied Technology, Community Education and Workforce Development Division, UNM-Gallup, welcomed the task force and committee and members of the public to Gallup and to UNM-Gallup. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20080421%20Item%201%20Welcome%20to%20Gallup.pdf>.

Bioscience as a Means of Economic Development (9:56 a.m.)

Richard Larson, M.D., Ph.D., president, New Mexico Bioscience Authority, and executive vice chancellor, UNM Health Sciences Center; Stephanie Tofighi, M.S.P.P., executive director, New Mexico Bioscience Authority; and Ryan Cangioli, M.B.A., M.A.C.T.T., strategy and policy director, New Mexico Bioscience Authority, gave a presentation on bioscience innovation as a catalyst for improving the state's health, productivity and economic development. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20080421%20Item%202%20BSA.PDF>.

Economic Opportunities and Challenges of Uranium Mine Cleanup (11:00 a.m.)

Susan Gordon, Multicultural Alliance for a Safe Environment, and Representative Johnson gave a presentation on the Church Rock Mill uranium tailings spill and the economic benefits of uranium mine cleanup, including making environmental remediation a targeted industry under the Economic Development Department, cleanup funding sources, workforce development programs in place and recommendations from the Bureau of Business and Economic Research at UNM. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20080421%20Item%203%20MASE%20presentation.pdf>.

Motions (12:13 p.m.)

Upon a motion made by Senator Pinto, seconded by Representative Lundstrom and without objection, the IAC and the REOTF moved to send the following letters.

To the New Mexico Bioscience Authority: A request that the authority bring uranium mine cleanup funding to New Mexico as part of its efforts to bring bioscience businesses to the state.

To New Mexico's congressional delegation: A request that they pursue renewal of the federal Radiation Exposure Compensation Act.

To the United States Environmental Protection Agency: A request for a time line on the cleanup of the 1979 Church Rock Mill spill and other cleanup projects in New Mexico.

To the REOTF: A request that the task force identify and prioritize which uranium mine cleanup projects in New Mexico can use American Rescue Plan Act of 2021 funding and include those projects in the task force's comprehensive legislative proposal.

To Los Alamos National Laboratory: A request for information on the cost of uranium mine cleanup in New Mexico and what that process looks like.

To the Economic Development Department: A request that "Environmental Remediation" be added as a target industry for the Statewide Comprehensive Economic Development Strategy.

Approval of Minutes

Upon a motion made by Senator Pinto, seconded by Representative Alcon and without objection, the committee moved to approve the minutes of the July 6-8, 2021 meeting.

Historic Sites and Opportunities for Economic Development (12:19 p.m.)

Debra Garcia y Griego, secretary, Cultural Affairs Department, and Dr. Patrick Moore, executive director, New Mexico Historic Sites, Cultural Affairs Department, gave a presentation

on the department's goals, the Broadband for Libraries program and New Mexico state monuments. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20080421%20Item%204%20NMDCA.PDF>.

Infrastructure Needs on Tribal Lands and in Rural Communities (2:29 p.m.)

James Adakai, deputy division director, Navajo Nation Community Development Division, and Evan Williams, executive director, Northwest New Mexico Council of Governments (NNMCG), gave a presentation on infrastructure needs of the NNMCG and the Navajo Nation. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=8/4/2021&ItemNumber=5>.

Motions (4:03 p.m.)

Upon a motion made by Senator Pinto, seconded by Senator Correa Hemphill and without objection, the IAC and the REOTF moved to send a letter to the federal Bureau of Indian Affairs in support of the Navajo Nation's request to relax the right-of-way requirements.

Broadband Access on Tribal Lands and in Rural Communities (4:08 p.m.)

John Badal, chief executive officer, Sacred Wind Communications; Matejka Santillanes, executive director, New Mexico Exchange Carrier Group; and Jay Santillanes, lobbyist, New Mexico Exchange Carrier Group, gave a presentation on broadband coverage throughout the state, with a particular focus on the Navajo Nation and New Mexico Exchange Carrier Group members, and the COVID-19 actions providers throughout the state took to help the community in their service areas. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=8/4/2021&ItemNumber=6>.

Motions (5:17 p.m.)

Upon a motion made by Senator Pinto, seconded by Representative Lundstrom and without objection, the IAC and the REOTF moved to send the following letters.

To New Mexico's congressional delegation: A request that they pursue a comprehensive and uniform right-of-way process, especially for certain entities, with advice on which entities to be provided by Mr. Badal.

To the Federal Communications Commission (FCC): A request that the FCC address the checkerboard access to 2.5 gigahertz broadband.

Update from Request for Proposals Contractor on Rural Infrastructure Study (5:19 p.m.)

Terry Brunner, chief executive officer, Pivotal New Mexico, and Jenny Jackson, program manager, Pivotal New Mexico, gave a presentation on the preliminary recommendations derived

from a rural infrastructure needs study for which a final report will be provided to the legislature in December 2021. The presentation can be found here:

[https://www.nmlegis.gov/handouts/IAC%20080421%20Item%207%20Infrastructure Interim-Report FINAL.PDF](https://www.nmlegis.gov/handouts/IAC%20080421%20Item%207%20Infrastructure%20Interim-Report%20FINAL.PDF).

Recess

The meeting recessed at 6:03 p.m.

Thursday, August 5 — Joint Meeting with the REOTF, UNM-Gallup

Reconvene

Senator Correa Hemphill reconvened the meeting at 9:06 a.m., and members and staff introduced themselves.

Legalization of Recreational Cannabis and Tribal and Rural Communities (9:07 a.m.)

John Blair, deputy superintendent, Regulation and Licensing Department; Matt Muñoz, chief innovation and finance officer, Carver Family Farm, and board member, New Mexico Independent Cannabis Association; Jesse Delmar, executive director, Division of Public Safety, Navajo Nation; Kimberly A. Dutcher, deputy attorney general, Office of the Attorney General, Department of Justice, Navajo Nation; Dr. Jill Jim, Ph.D., M.P.H., M.H.A., executive director, Department of Health, Navajo Nation; Phillip Francisco, chief of police, Navajo Nation Police Department; and Alexander Greenberg, financial program specialist, Economic Development Department, gave a presentation on the legalization of adult-use cannabis, including an update on rules and licensing, requests from the small business sector on how to improve the rules and licensing and how legalization affects the Navajo Nation. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=8/4/2021&ItemNumber=8>.

Update on Road Construction on Tribal Lands and Rural Communities (11:21 a.m.)

Rick Padilla, executive director of highway operations, Department of Transportation (DOT); George Dodge, director, Local Government Relations, DOT; Clarissa Martinez, state grant manager, DOT; and Desiree Sanchez, state grant supervisor, DOT, gave a presentation on the Local Governments Road Fund and the Transportation Project Fund. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20080421%20Item%209%20Local%20Government%20Road%20Fund%20and%20TPF%20-%20NMDOT.pdf>.

Behavioral Health Licensure and Native American Healing Arts Exemption (12:02 p.m.)

Charlie Alfero, executive advisor, Center for Health Innovation; Susan Wilger, executive advisor, Center for Health Innovation; Dr. Kevin Foley, executive director, Na'Nizhoozhi Center,

Inc.; Alfred Gibson, program manager, Na'Nizhoozhi Center, Inc.; Anderson Hoskie, program coordinator, Na'Nizhoozhi Center, Inc.; and Joseph Dworak, director, Boards and Commissions Division, Regulation and Licensing Department, gave a presentation on the state of behavioral health needs and provider availability, noting the high needs of rural communities and the unique needs and programs of tribal communities. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=8/4/2021&ItemNumber=10>.

Native American and Rural Education: Updates on the *Yazzie/Martinez* and *Zuni* Lawsuits, Education in Rural and Tribal Schools and Cross-Border Schools (2:24 p.m.)

Melissa Candelaria, senior education attorney, New Mexico Center on Law and Poverty; Alisa Diehl, senior education attorney, New Mexico Center on Law and Poverty; Lashawna Tso, assistant secretary of Indian education, Public Education Department (PED); Dr. Gwen Perea Warniment, deputy secretary for teaching, learning and assessment, PED; Patricia Gonnig, superintendent of schools, Navajo Nation Department of Diné Education; Daniel Tso, council member and chair, Health, Education and Human Services Committee, 24th Navajo Nation Council; Milton Bluehouse, Jr., deputy chief of staff, Office of the President and Vice President, Navajo Nation; Mona Martinez, chief procurement officer and staff attorney, Public School Facilities Authority; and Teran Villa, policy coordinator, All Pueblo Council of Governors, gave an update on the *Yazzie/Martinez* and *Zuni* lawsuits, including the PED's progress in addressing legal findings, the Tribal Remedy Framework and the public school capital outlay funding formula. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=8/4/2021&ItemNumber=11>.

In-State Meat Inspections and Livestock Regulations (5:29 p.m.)

Belinda Garland, executive director, New Mexico Livestock Board; Darron "Shawn" Davis, deputy director, New Mexico Livestock Board; and Darryl Billy, ranger sergeant, Resource Enforcement, Navajo Nation Division of Natural Resources, gave a presentation on the New Mexico Livestock Board's implementation of in-state meat and poultry inspections and the board's funding needs, as well as the Navajo Nation's issues with missing livestock and opportunities for cross-commissioning. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=8/4/2021&ItemNumber=12>.

Public Comment (6:36 p.m.)

A list of individuals making public comment is available in the meeting file.

Recess

The meeting recessed at 6:53 p.m.

Friday, August 6 — McKinley County Building, Gallup

Reconvene

Senator Pinto reconvened the meeting of the IAC at 9:24 a.m.

Presentation from Sovereign Energy (9:24 a.m.)

Mayane Barudin, founder, Sovereign Energy, discussed the benefits of developing tribal community solar policy to ensure energy sovereignty, sufficiency and reliability for tribes as well as an environmentally and socially just transition to a renewable energy economy. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20080421%20Item%2013%20Sovereign%20Energy%20Presentation.pdf>

Update from Rehoboth McKinley Christian Health Care Services (10:14 a.m.)

Don Smithburg, interim chief executive officer, Rehoboth McKinley Christian Health Care Services, provided the committee with an update and background on Rehoboth McKinley Christian Health Care Services. He discussed partnerships with other institutions; the shortage of medical professionals in the area and recruitment and retention efforts; the impact of the COVID-19 pandemic and federal relief aid for the hospital; and local and national trends regarding COVID-19 vaccination and hospitalization rates. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20080421%20Item%2014%20Rehoboth%20Health%20Care%20Presentation.pdf>

Presentation on the Gallup Inter-Tribal Indian Ceremonial (11:32 a.m.)

Dudley Byerley, ceremonial coordinator and past president, Gallup Inter-Tribal Indian Ceremonial Association, and Kyle Tom, president, Gallup Inter-Tribal Indian Ceremonial Association, discussed the history of the Gallup Inter-Tribal Indian Ceremonial; the current regional economic impact, local funding mechanisms and community support for the event; the impact of the COVID-19 pandemic on the budget and event participation; and issues concerning the Intertribal Ceremonial Act. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=8/4/2021&ItemNumber=15>.

Antoinette Vigil, deputy secretary, Tourism Department, and Melissa Sanchez, director, Intertribal Ceremonial Office, Tourism Department, discussed the statutory establishment of the Intertribal Ceremonial Office within the department. They discussed the duties, goals and recent initiatives of the office to engage the community and collaborate with the Gallup Inter-Tribal Indian Ceremonial Association.

Presentation from Battered Families Services (1:21 p.m.)

Emily Ellison, executive director, Battered Families Services; Merle Bates, Domestic Violence Offender Treatment Intervention, Battered Families Services; Dee Velasco, legal advocate, Battered Families Services; and Sabrina Martine, caseworker, Battered Families Services, discussed the history and funding sources of the organization as well as services and programs provided for residential and nonresidential clients and barriers to providing services.

Presentation on Wildlife Management (2:38 p.m.)

Glenda Davis, R.V.T., M.B.A., founding president, Animal Rez-Q Inc., and former program manager, Navajo Nation Animal Control Program; Gloria Tom, director, Navajo Nation Department of Fish and Wildlife; and Julianna Cojo, office manager, Natural Resources Management, Agriculture, and Forestry Department, Ramah Navajo Chapter, discussed animal rescue and control, low-cost animal care services, wildlife management tools and habitat improvement initiatives on the Navajo Nation. The presentations can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=8/4/2021&ItemNumber=17>.

Public Comment (3:50 p.m.)

There was no public comment.

Adjournment

There being no further business before the committee, the meeting adjourned at 3:50 p.m.