

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

**July 7-9, 2008
Albuquerque, New Mexico
Pueblo of Isleta, New Mexico
Pueblo of Zia, New Mexico**

The second meeting of the Indian Affairs Committee for the 2008 interim was called to order by Representative James Roger Madalena, co-chair, at 10:12 a.m. at the Indian Pueblo Cultural Center in Albuquerque, New Mexico.

Present

Rep. James Roger Madalena, Co-Chair
Sen. John Pinto, Co-Chair (7/8, 7/9)
Rep. Ray Begaye
Sen. Dianna J. Duran
Sen. Lynda M. Lovejoy
Rep. John Pena
Sen. Lidio G. Rainaldi
Sen. Nancy Rodriguez
Sen. John C. Ryan (7/8, 7/9)
Rep. Gloria C. Vaughn

Absent

Sen. Rod Adair
Rep. Justine Fox-Young
Rep. Patricia A. Lundstrom
Rep. W. C. "Dub" Williams

Advisory Members

Sen. Joseph J. Carraro
Rep. Ernest H. Chavez
Rep. Ben Lujan (7/7, 7/9)
Sen. Richard C. Martinez
Rep. Debbie A. Rodella
Rep. Nick L. Salazar (7/7, 7/8)
Sen. David Ulibarri (7/8, 7/9)

Sen. Timothy Z. Jennings
Sen. William E. Sharer

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

Staff

Chase Van Gorder
Jennie Lusk
Damian Lara
Mark P.H. Harben
Aaron Choneska

Guests

The guest list is in the meeting file.

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

Monday, July 7 — Indian Pueblo Cultural Center

Welcome

Representative Madalena opened the meeting by welcoming everyone and asking Governor Pino from the Pueblo of Zia to give an opening prayer. The committee members then introduced themselves, as did members of the audience. Ron Solimon, chief executive officer of the Indian Pueblo Cultural Center (IPCC), welcomed committee members and noted the many changes in the building and in the IPCC's programming since the committee last met at the IPCC.

Native American Education Issues

Nancy Martine-Alonzo, assistant secretary of public education for Indian education, presented information dealing with the status of Indian Education Act funds, updates on the implementation of the Indian Education Act and performance data. Ms. Martine-Alonzo outlined areas of impact for the Indian Education Act, including curriculum development (academic rigor along with cultural relevance, maintenance and revitalization); an increase in the number and quality of teachers; bilingual and native language programs; increased access to educational opportunities; truancy and dropout prevention; health education; parent involvement; and college and work force readiness. Ms. Martine-Alonzo also discussed the changes required since amendments to the Indian Education Act require changes not just from kindergarten through high school, but now from pre-school through age 20. The amendments will require the Public Education Department to work more closely with community colleges to facilitate a more seamless transition from high school to college, as well as into the work force. The department is also working on a guide for implementing Native American cultural education into school curriculum, along with developing a teacher and parent tool kit to keep parents involved, focusing on maintaining their involvement throughout their child's education.

Kevin Shendo, co-chair of the Indian Education Advisory Council, presented concerns about funding for Native American education. He said that programs instituted for Native American education are only reaching about one-third of the Native American student population. The council is looking for ways to increase funding, which is becoming even more necessary because pre-kindergarten to age 20 is now a part of the funding system. He also said that the council is looking at ways to use existing laws for assessments and programs and invited members to the council's next meeting on July 18, 2008. Sara Adakai, one of the four Navajo Nation representatives on the Indian Education Advisory Council, noted that the council has expanded to 16 members.

Dr. Christine Sims, assistant professor in the Department of Language and Linguistics for the College of Education at the University of New Mexico (UNM), discussed the Tribal Language Certification Project (TLCP) funded by the Indian Affairs Department special projects. The scope of work for the TLCP has been to provide assistance to tribes requesting help with language program planning, certification development issues and the preparation of native speakers to teach language. She explained that during fiscal year 2008, 10 training workshops were offered to participants representing at least 24 different Indian pueblos, tribes and nations. Additionally, individual on-site visits were made to at least seven different tribal communities and schools. Dr. Sims said the culmination of the 2007-08 project activities was the second annual Native American Language Teacher Institute held at the UNM main campus on June 2-7, 2008. This one-week period utilized the bulk of the grant resources from the Indian Affairs Department to help offset the cost of travel, housing and parking expenses. She stated that the summer is the most opportune time for most language teachers to attend the institute because they are usually free from their regular teaching duties or, in some communities, summer language programs have not yet begun. The institute's emphasis is on teaching strategies for persons working with Native American students, she said, and noted her continued concern is that the youngest tribal members are not learning to speak their native languages. According to Dr. Sims, the summer institute provides three hours of undergraduate course credit. It had 54 participants who attended an intensive eight-hour per day program of training for six days. They represented eight different tribal languages and various tribal communities and school districts in New Mexico.

Dr. Reed Dasenbrock, secretary of higher education, reported that the budget for tribal colleges will be presented along with the Higher Education Department budget this year, a breakthrough in handling the funding needs. He expressed concern that the department's role in the Indian Education Act is not spelled out and said he would attempt to clarify the desired outcome for higher education participation with the Indian Education Advisory Council.

Veronica Garcia, secretary of public education, who just returned from the graduation ceremonies for almost 20 doctoral students in Indian education, reported that the rulemaking process for implementing the Indian Education Act amendments was just starting, but added that federal law and regulation set the standards for closing the achievement gap for Native American students.

Following the presentation, the committee expressed concerns with the lack of results evident from passage and implementation of the Indian Education Act; about problems that could be related to grade level or periods of transition from Bureau of Indian Education schools to New Mexico public schools; about truancy and truancy policy; and about the language curricula, both native and English, in Native American schools. Moreover, committee members requested that superintendents of schools with large Native American student populations be added to future Indian Affairs Committee agendas to present on their respective schools' efforts to address federal and state law mandating the closing of the achievement gap for Native American students.

Native American Health Care — Update

Jim Toya, director of the Albuquerque Region of the Indian Health Service (IHS), provided an update on the IHS. He commented on a controversial case in California where a tribe began charging for health services; the courts held up the tribe's policy. Mr. Toya remarked that the tribes in New Mexico, when asked if that was something they were considering, replied with an emphatic "no". Mr. Toya stated that in 2005, \$9 million in services were denied, and \$9.2 million in services were denied in 2006. He also discussed attempts to institute programs of prevention, specifically citing dental care issues. Costs for the Residential Behavior Center for Youth were also presented. Mr. Toya said that the IHS gets \$300 a day per patient (who are between the ages of 12 and 19) at the center, but it costs about \$670 a day per patient. The 22 beds at the facility are usually all taken.

Sam Howarth, division director of the Division of Policy and Performance for the Department of Health, presented the status of Native American health programs. He discussed the mission of the Office of American Indian Health, stating that the mission is to facilitate collaboration among the Department of Health, American Indian populations residing in New Mexico and other health partners to promote health and sound health policy, improve health services systems and ensure that essential public health functions and safety net services are available to American Indians in New Mexico. Dr. Howarth also noted that the office's goals are to: a) provide guidance on issues, treatments, resources, training and health policies affecting American Indians in New Mexico; b) increase public knowledge about American Indian health disparities and lead efforts to address these disparities; and c) facilitate partnerships that improve the health of Native Americans in New Mexico. Dr. Howarth also remarked on the New Mexico Health Disparities Report Card, examining 19 health status indicators. He explained that Native Americans ranked highest on nine indicators, which include: 1) late or no prenatal care; 2) deaths due to diabetes; 3) motor vehicle deaths; 4) youth suicide; 5) youth obesity; 6) adults (age 65+) not receiving pneumonia vaccines; 7) pneumonia and influenza deaths; 8) homicide; and 9) deaths related to alcohol. He also relayed that Native Americans have the best rates on three indicators, including receiving the recommended services for individuals with diabetes, HIV/AIDS and drug-induced deaths. Dr. Howarth then discussed services instituted to help educate, prevent and treat issues such as diabetes, mental well-being, obesity, alcoholism, tobacco use and motor vehicle deaths.

Following the presentation, the committee raised issues regarding the payment policy of the federal government for health services, doctor shortages and IHS programs to help Native Americans go to college and medical school; the Department of Health's role to help expedite federal assistance for Native Americans in New Mexico; the Indian Health Care Act; coordination of pneumonia vaccinations with influenza vaccinations; and the New Mexico First Born program for Native American populations.

Dialysis Treatment

Clifford Phillips, the area administrator for Fresenius Medical Care, and Lillie Elledge, registered nurse and educator for treatment options and home dialysis, presented information about kidney disease and dialysis to the committee. They discussed how the kidneys work, how and why they fail and treatment options (including diet/fluid management, medication, dialysis, transplant or no treatment). They stressed the need for early detection and prevention of the need for dialysis, particularly for diabetes patients.

The committee inquired as to services and facilities near Native American populations and rural areas and transportation to those services and facilities.

Minutes

Upon a motion by Senator Carraro, seconded by Representative Vaughn, the committee approved without objection the minutes from the May 21, 2008 meeting of the Indian Affairs Committee.

Following the motion, Representative Madalena recessed the meeting at 4:56 p.m.

Tuesday, July 8 — Isleta Hotel and Convention Center

The second meeting of the Indian Affairs Committee for the 2008 interim was called back into session by Representative Madalena on Tuesday, July 8, 2008, at 9:18 a.m. in the Seminar Room at the Isleta Hotel and Convention Center. Representative Madalena asked First Lieutenant Governor Max Zuni of the Pueblo of Isleta to give an opening prayer. Then the committee members introduced themselves.

Pueblo of Isleta — Status Update

Governor Robert Benavides welcomed the committee and the audience to the Pueblo of Isleta, and members of the audience introduced themselves. Governor Benavides then introduced Mr. Zuni, who gave a history of the Pueblo of Isleta. A status report was given by Governor Benavides, including recent capital outlay projects, such as the Rail Runner station, recreational park facilities and services to combat diabetes and obesity. Future projects for the pueblo include a judicial complex, an educational complex, village water main replacements, new police substations, turning lane construction for Highway 47 and a new interchange for Interstate 25 south on the pueblo's southern boundary. Governor Benavides outlined concerns that included untimely receipt and enactment of joint powers agreements; the need to protect water rights; the lack of the pueblo's involvement in water rights and water trust legislation; and the cost to provide the elderly with meal delivery.

The committee raised concerns regarding funding for health services, traffic issues and accidents, domestic violence services and shelters, the Boys' and Girls' Club, youth anti-smoking programs, medical facilities, water pollution faced by the pueblo and employment at Native American casinos, hotels and convention center resorts. Senator Lovejoy moved the committee to write a letter to Secretary Rhonda Faight, New Mexico Department of Transportation, in

support of a turning lane on the section of Highway 47 that runs through the Pueblo of Isleta. The motion was seconded by Representative Vaughn and met with no objection. Senator Rainaldi moved that the committee write a letter to Mr. Toya in support of the Pueblo of Isleta's application for funding of health services. The motion was seconded by Representative Rodella and met with no objection. Senator Carraro moved that the committee write a letter to Ron Curry, secretary of environment, requesting that his department conduct studies of the water of the Rio Grande, starting with the waters that flow into the Pueblo of Isleta. The motion was seconded by Senator Lovejoy and met with no objection.

Gambling Addiction Treatment Services

Georgina Louis, the state gaming representative from the New Mexico Gaming Control Board (NMGCB), presented the NMGCB's "Compulsive Gambling Funds Report". She discussed the sources for compulsive gambling funds, stating that racetracks and tribes contribute no less than one-fourth of one percent (0.25%) of net take/win funds to support programs for the treatment and assistance of compulsive gamblers in New Mexico or for those who patronize New Mexico gaming facilities, as well as for the prevention of compulsive gambling in New Mexico. Ms. Louis outlined funds and expenses for those projects.

Dominic Dutton, attorney for the NMGCB and member of the Compulsive Gambling Council, discussed future legislation, including proposed legislation in 2009 expressing the desire to have regulatory procedures in establishing the process by which a person can seek self-exclusion from all non-tribal casinos and the lottery within New Mexico (the tribes and pueblos already have such processes in place). Along with this legislation, Mr. Dutton mentioned therapeutic justice, calling for legislation taking compulsive gamblers out of the usual criminal category and placing them into treatment.

Jeff Jojola, president of the Responsible Gaming Association of New Mexico (RGANM), outlined the policy statement of the RGANM and explained some of the programs the association initiates and conducts. It has: conducted a prevalence study to improve services; administered training to employees in the gaming industry to identify and deal with compulsive gambling issues; funded a help line service; and worked with the Evolution Group, Inc., which specializes in the mental health treatment of individuals and families that include compulsive gamblers.

Kandace S. Blanchard, executive director of the New Mexico Council on Problem Gambling, discussed the health services available to compulsive gamblers and those affected by compulsive gambling. The services include a help line available 24 hours a day, seven days a week and the counselors to treat patients. According to Ms. Blanchard, in rural areas, counselors are contracted out, but still have the training necessary to deal with compulsive gambling. Ms. Blanchard also discussed the importance of training gaming employees because they are usually the first contact a compulsive gambler has.

Following the presentation, the committee expressed concerns regarding the oversight of the gambling revenue spent for services by the pueblos, spending discretion of the tribes,

transparence and disclosure of how the funds are spent by all tribes, standards for spending the funds and individual gambling assistance.

Native American Election Issues

Martin Aguilar, Native American election information program coordinator, discussed the activities and goals of the Native American Election Information Program (NAEIP). Its mission is to provide equal access to all phases of the election process to the Native American population in Sandoval County, including the pueblos of Cochiti, San Felipe, Santo Domingo, Santa Ana, Sandia, Zia and Jemez, along with the Navajo chapters of Counselor, Ojo Encino and Torreon. Mr. Aguilar said the NAEIP also attempts to foster intergovernmental coordination between tribal governments and state entities. The program also focuses on the dissemination of election information and material, translations and assistance with voter registration and absentee voting.

Marvin Trujillo, voting rights coordinator for the Pueblo of Laguna, presented information about Native American voting for the Pueblo of Laguna. He said that the pueblo increased its precincts from one to six, which, along with a heated election, helped boost voter turnout. In a June 2004 primary, 374 Native Americans voted, and in a June 2006 primary, 357 voted. After the redraw of precincts, 536 people voted in the June 2008 primary. Mr. Trujillo reaffirmed the need to help fund the NAEIP to provide information on elections and voting and discussed the need to create that information in the native languages of the tribes; he cited an instance where radio programming attempting to do just that aired at 4:00 p.m. and was not accessible for the intended audience.

Following the presentation, the committee identified concerns regarding the continued need to facilitate voting access for Native Americans.

Native American Veterans Outreach

Alan Martinez, director of state benefits and the legislative liaison for the Veterans' Services Department (VSD), spoke about Native American veterans and the programs the department has in place. He discussed the Native American Veteran Service Officer Mentoring Program designed to recruit and train local Native American veterans to serve in their local pueblos, tribes and the Navajo Nation. Mr. Martinez explained that this past fiscal year, the program was able to obtain national certification to allow 21 appointed tribal members to begin processing Veterans Administration claims for benefits, made possible by attending a one-week course conducted by the National Association of State and County Service Officers. This initiative is the first of its kind in the nation, according to Mr. Martinez. The VSD has initiated a campaign to educate Native American veterans about benefits and how to file for them. Mr. Martinez also explained how the department helped establish a new community-based clinic in Sandoval County that will serve many Native American veterans (the clinic was targeted to open in 2012, but will open in 2009). The VSD has teamed up with the Taxation and Revenue Department to educate Native American veterans about SB 574. Mr. Martinez also said the VSD has partnered up with the New Mexico Native American Veterans Organization, led by Brian Padilla of the Pueblo of Santa Ana, to identify every Native American veteran in New Mexico.

Mr. Padilla, chair of the Tamaya Veterans Association, discussed Native American veterans returning from combat zones and the psychological trauma many have as a result of being in those zones. Mr. Padilla pointed out that there are several issues that need to be addressed regarding providing proper care for these returning soldiers, including a lack of resources (financial and manpower) from the Veterans Administration, Native American veterans living in remote locations and a lack of understanding of Native Americans by those working with the Veterans Administration. He asserted that because the system falls short, it is the responsibility of the tribal community to develop and provide for alternative services where needed. A solution for this would be the creation of a veterans' center located within the tribal structure that would provide life skills programs; "peer coaching" administered by trained Native American veterans; and reintegration programs to help veterans return back to their families and normal lives. Mr. Padilla said, initially, the plan focused on veterans from World War I, World War II, the Korean War and Vietnam, but the intention now is to extend services to all returning Native American veterans and families as financial support permits.

The committee commended the work of the presenters and highlighted the difference of having a VSD, rather than a commission, and the need to fund the department adequately.

Following the presentation on Native American veterans outreach, Representative Madalena recessed the meeting at 3:25 p.m.

Wednesday, July 9 — Tribal Offices, Pueblo of Zia

The second meeting of the Indian Affairs Committee for the 2008 interim was called back into session by Senator Pinto, co-chair, on Wednesday, July 9, 2008, at 9:31 a.m. at the tribal offices of the Pueblo of Zia. Senator Pinto then handed chair duties to Representative Madalena, co-chair. Representative Madalena asked Governor Ivan Pino, Pueblo of Zia, to give an opening prayer.

Pueblo of Zia — Status Update

Governor Pino welcomed the committee and the audience to the meeting. He identified members of his staff, and the members of the audience introduced themselves. Lieutenant Governor Fred Medina thanked the committee for coming to the Pueblo of Zia. Governor Pino gave a brief history of the pueblo and thanked the legislature for funding the Intergenerational Center, which has been completed (except for a handicap ramp). The pueblo had a current project for improvements to the kitchen totaling \$60,000, including an electrical system upgrade, replacement of the swamp cooling system with refrigerated air and roof repair. The governor said the pueblo would be requesting funds for more kitchen expansion and a breezeway to connect centers. The request will be made through the Five Sandoval Indian Pueblos and will be part of an Aging and Long-Term Services Department capital outlay request.

Ken Lucero, assistant tribal administrator, was introduced to discuss the ambulatory center project at the Pueblo of Zia; the pueblo has outgrown the existing facilities, and attempts to raise capital have been ongoing since 2003.

Neil Carter, a consultant from Neil Carter & Associates working with the Pueblo of Zia on the project, reviewed the requirements for the new ambulatory center to serve the pueblo adequately. Initially, a 9,000-square-foot building was determined to be necessary, but the cost of over \$4 million was too much. A compromise of a 5,500-square-foot building costing \$2.2 million was acceptable. The pueblo, however, has a shortfall of \$600,000, but will proceed with the project, hoping to raise the rest of the funds. A design should be ready by the end of the year, with completion of the actual facility targeted for July 2009.

The committee then inquired as to how often a doctor comes to the pueblo, the most prevalent illnesses, the number of patients seen, health services available at the pueblo, including transportation services to outside health facilities, behavioral health and the process for funding of the ambulatory center. Senator Lovejoy moved that the committee write a letter to the Indian Affairs Department in support of the Pueblo of Zia's TIF application. The motion was seconded by Senator Rainaldi, and met with no objection.

Representative Madalena ended the panel and agreed that the committee take a field trip to Zia Lake. Former Governor Gauchupin discussed the history of Zia Lake and its uses. The lake is manmade and is suffering from an algae infestation due to high silt levels from the Jemez River. The pueblo is allowing the water to evaporate and hopes the lake bottom will solidify and the algae problem will be rectified. Mr. Gauchupin and the pueblo supplied the committee with a map designating where they would like to install an inflow and outflow gage, an automated lake stage gage and a lake staff site.

Native American Domestic Violence Services

Sharon Pino, domestic violence czar from the Office of the Governor, discussed the services provided by the state for victims/witnesses of domestic violence, as well as those who commit domestic violence. She supplied statistics of how many people received services and the cost of the services. Ms. Pino then addressed the updating of the manual to be more culturally appropriate.

Adjournment

There being no further business before the committee, the second meeting of the Indian Affairs Committee for the 2008 interim was adjourned at 1:57 p.m.