

MINUTES
of the
SECOND MEETING
of the
INDIAN AFFAIRS COMMITTEE

July 12-14, 2010
Camel Rock Casino, Pueblo of Tesuque
State Capitol, Room 307, Santa Fe
Ohkay Casino, Ohkay Owingeh

The second meeting of the Indian Affairs Committee (IAC) was called to order as a subcommittee by Representative James Roger Madalena, co-chair, at 10:37 a.m. on Monday, July 12, 2010, in the conference room of Camel Rock Casino at the Pueblo of Tesuque. Representative Madalena asked Frederick Vigil, Governor, Pueblo of Tesuque, to give an opening prayer.

Present

Rep. James Roger Madalena, Co-Chair
Sen. John Pinto, Co-Chair (7/13, 7/14)
Sen. Rod Adair (7/13, 7/14)
Rep. Eliseo Lee Alcon (7/13, 7/14)
Rep. Ray Begaye
Rep. Sandra D. Jeff (7/12, 7/13)
Sen. Lynda M. Lovejoy (7/12, 7/13)
Rep. Jane Powdrell-Culbert
Sen. Nancy Rodriguez
Rep. Gloria C. Vaughn

Absent

Sen. Eric G. Griego
Rep. Patricia A. Lundstrom
Sen. George K. Munoz
Sen. John C. Ryan

Advisory Members

Rep. Ernest H. Chavez
Rep. Ben Lujan
Sen. Richard C. Martinez
Rep. Debbie Rodella
Rep. Nick L. Salazar

Sen. Stuart Ingle
Sen. Timothy Z. Jennings
Rep. Antonio "Moe" Maestas
Sen. William E. Sharer

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

Staff

Damian Lara
Peter Kovnat
Adan Delval

Guests

The guest list is in the meeting file.

Handouts

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

Monday, July 12 — Camel Rock Casino

Committee, staff and audience members introduced themselves.

Welcome; Pueblo of Tesuque Status Update

Governor Vigil welcomed the committee and introduced Roman Duran, lieutenant governor and tribal judge. Governor Vigil thanked the committee and stated that the 500-plus members of the pueblo appreciated the opportunity to host the committee. Governor Vigil personally thanked Speaker Lujan and Senator Carlos R. Cisneros for their efforts to secure an appropriation of \$1.5 million in capital outlay projects at the Pueblo of Tesuque. He reported that all capital outlay money had been spent.

Governor Vigil noted that federal, state and tribal cooperation on implementing national health care reform, especially the federal Indian Health Care Improvement Act, is important. He stated that the Pueblo of Tesuque is working with the Indian Health Service (IHS) proactively to improve health care and that Lieutenant Governor Duran and Governor Vigil are actively involved in the Medicaid Task Force. Governor Vigil asked the committee to maintain Medicaid services because behavioral health is important and the Pueblo of Tesuque cannot afford to lessen services in the area. The Pueblo of Tesuque is developing its own health plan after realizing how few of its members have health insurance. Governor Vigil stated that the pueblo's priorities are addressing health care and education. He invited the committee to visit on August 6 and 7, 2010 to join the pueblo as it works on these issues.

Former Pueblo of Tesuque Governor Mark Mitchell provided a short history lesson of the southern Tewa Indians and the current interest in the Galisteo Basin. He expressed concern about drilling for oil and gas in that basin. Governor Mitchell noted that New Mexico Governor Bill Richardson signed an elective order and that a Santa Fe City Council ordinance currently instituted a moratorium on drilling in that basin. Governor Mitchell recommended that the legislature limit residential housing and create buffer zones around the Galisteo Basin to prevent the southern Tewas from forever losing this cultural location.

Upon an inquiry from the committee, Governor Vigil clarified that behavioral health services and Medicaid are two different programs. Behavioral health services are administered by OptumHealth. Medicaid provides various additional health services and is administered by the U.S. Department of Health and Human Services. The Circle of Life program currently provides health care services, and the pueblo is working with other providers to administer out-of-state services to its members. Governor Vigil stated that, at this time, Medicaid funding is not earmarked for the tribes. In most cases, the federal government provides the state with a one-to-three match for Medicaid services. In cases related to tribal members who receive Medicaid services at an IHS facility or eligible tribal facility, the federal government pays for 100% of the services.

In response to committee questions, Secretary of Indian Affairs Alvin Warren stated that, although the state is considering potential cuts to Medicaid services, the tribes hope to create a special category that will allow the IHS and tribal facilities to continue to receive 100% federal reimbursement for current services covered by Medicaid. The state-tribal work group is currently working on creating this category. If the category for Native Americans receiving services at the IHS or tribal facilities is approved by the Centers for Medicare and Medicaid Services, New Mexico will be the first state to establish such a category. In addition, there is a national effort requesting Congress to consider all tribes as a fifty-first state in order to fund Medicaid services directly to IHS facilities in Indian country.

Governor Vigil concluded by stating that, in previous years, the Interagency Behavioral Health Purchasing Collaborative that serves the eight northern pueblos — local collaborative 18 was given \$21,000 in funding, but this fiscal year it will only receive \$30,000. There are also similar problems with the collaboratives in the Navajo Nation. He also expressed concern about subcontracting for services when money can be appropriated directly to the local collaboratives.

Aamodt and Taos-Abeyta Water Settlements

John D'Antonio, state engineer, and Estevan Lopez, deputy state engineer and director of the Interstate Stream Commission, gave a presentation on the *Aamodt* and Taos-Abeyta water rights settlements. Mr. D'Antonio stated that Section 72-1-11 NMSA 1978 requires the Office of the State Engineer to give an annual report on the settlements. Federal legislation was passed this year by the full U.S. House of Representatives and is now pending in the U.S. Senate to fund the *Aamodt* settlement. The Taos-Abeyta settlement was executed to resolve water rights claims on the Rio Hondo and on tributaries near the Pueblo of Taos; to preserve the current acequia water uses; and to allocate San Juan-Chama water. At this time, there is no money in the state fund, and the Interstate Stream Commission has not yet sold bonds as authorized by the legislature. The state's share of the cost to fund the pending water settlements is \$114 million. Fifty million dollars is for the Navajo settlement, \$50 million is for the *Aamodt* settlement, and \$14 million is for the Taos-Abeyta settlement.

In response to an inquiry from the committee, Mr. D'Antonio stated that all water rights are allocated. An individual seeking water rights must fill out the proper forms. In addition, non-pueblo water rights are secondary to Native American water rights. The main objective of the settlements is to connect most people to a regional water utility system. If a person moves into the area, the person should connect to the regional water utility system rather than drill a new well. If a person already has water rights, then that person may fill out paperwork to request the transfer of those water rights to another location or person. There will be an opportunity for people on domestic wells to switch to the regional water utility system and not depend on wells. Basically, a person has three options, which are as follows:

- sign on to the settlement and cap the well, and the connection to the water utility system is free;

- sign on to the settlement and keep the well, but you must pay for the connection to the water utility system; or
- do not sign on to the settlement and keep the well, but you will have limited water use or limited uses of water.

Thus far, the state has spent \$32.1 million on the proposed water utility system, but the federal government might give the state credit for half of the expenditures. If a person does not use the person's water rights for four years, that person's water rights will be forfeited.

***Aamodt* Water Settlement — Community Perspective**

Paul White and John Gutting of the Pojoaque Basin Water Alliance expressed differing views on the *Aamodt* settlement. They are not opposed to the settlement, but they are opposed to expenditures that will be required to provide water for the non-native people of the valley. They stated that there are more economical ways of achieving the settlement that have not been discussed.

Mr. Gutting commented on a U.S. Bureau of Reclamation report that points out pieces of the federal legislation authorizing the settlement that are not following federal requirements. He urged the committee to read the report, which is available electronically, and only then come to a conclusion. Mr. Gutting warned the committee that the cost will be two or three times what is being estimated currently. In 2007, Santa Fe County asked for \$202 million to extend the water utility system from the Pueblo of Tesuque to the top of Opera Hill. Mr. Gutting called pieces of the settlement that call for new acequia development with waters from the Rio Grande "egregious". Mr. Gutting feels that the settlement does not have clearly defined impairment rules, and there is no impairment fund or remedy for wells that run dry. The use of new deep wells will send water back into the aquifer with chemicals. Mr. Gutting stated that this settlement is yet another river diversion using paper water rights and should concern Buckman, San Ildefonso and other areas.

The committee expressed concern that presenters did not fully understand the intricacies and nuances of the settlement and the still-pending federal, state and tribal negotiations that are necessary to implement the settlement.

In response to the concerns raised by the presenters, DL Sanders, staff attorney at the Office of the State Engineer, informed the committee that several public meeting had been held on the issue and that most of the concerns raised by the presenters were already addressed or had to wait until Congress passes legislation authorizing the settlement. He said that a regional water utility system is preferable to relying on wells, which during dry years can be restricted to account for water used by Native Americans.

Indian Arts and Crafts — State and Federal Cooperation

Joyce Begaye-Foss, chair, Indian Arts and Crafts Board (IACB), U.S. Department of the Interior, and director of education at the state Museum of Indian Arts and Culture, informed the

committee that the IACB has worked with New Mexico's attorney general to enforce the provisions of the federal Indian Arts and Crafts Act of 1990. One of the main functions of the museum is to educate people about Native Americans. A three-year investigation by the attorney general exposed fraud in the selling of jewelry purported to be by Calvin Begaye. There have also been cases of fraud on eBay. There is also a problem with fraud in selling jewelry made by Native Americans using synthetic, rather than real, stones. The fraud occurs when people buy what they think is turquoise and it turns out to be plastic. New Mexico is only one of a handful of states that has an Indian arts and crafts law. The board believes that it is important for the state to have some kind of seal or certification for jewelry that is Indian-made.

Tribal-State Judicial Consortium — Major Issues for 2010 Interim

Lieutenant Governor Duran, who is the tribal co-chair of the Tribal-State Judicial Consortium, and Kathy Spurgin, statewide program manager, Administrative Office of the Courts, gave a presentation on the major issues being addressed by the Tribal-State Judicial Consortium. Lieutenant Governor Duran stated that the New Mexico Supreme Court's budget includes a line item, appropriated by the legislature, that funds the work of tribal judges. The consortium facilitates state-tribal cooperation, as with the case of a juvenile who fled custody of the Jicarilla Apache Nation and was recaptured in Albuquerque. Additionally, Project Passport creates uniform orders of protection in domestic violence cases by identifying the protected party and restrained party in all participating state and tribal jurisdictions. Lieutenant Governor Duran said that Tesuque and two other pueblos are the only pueblos that currently have not joined in this effort.

Lieutenant Governor Duran also informed the committee that the consortium is assisting in complying with the Sex Offender Registration and Notification Act. In response to committee questions, he stated that the U.S. marshal enforces the act and ensures compliance by non-Indians who fail to register on Indian lands. He noted that the tribes have no criminal enforcement power for non-Indians.

Lieutenant Governor Duran explained that in an effort to solve the issues with state versus tribal law and jurisdiction, the biggest challenge has been how problems can be resolved in an effective manner without advocating for one party over another. In addition, collaborative work on the Corrections Department and judiciary abridging sovereignty issues must also be implemented. Tesuque has entered an agreement to forward DWI information to the state. Although Tesuque is implementing this agreement, not all tribal courts do.

Representative Madalena recessed the meeting at 4:30 p.m.

Tuesday, June 13 — State Capitol, Santa Fe

The second meeting of the IAC for the 2010 interim was called back into session by Representative Madalena on Tuesday, June 13, 2010, at 10:15 a.m. in Room 307 of the State Capitol in Santa Fe.

He announced that the committee meeting was being webcast. Committee, staff and audience members introduced themselves.

2010 Census — Enumeration of Native Americans in Indian Country

Vicki McIntire, deputy director, and Amadeo Shije, tribal partnership coordinator, both of the Denver Regional Census Center, and Gina Valdez, New Mexico regional manager, all of the United States Census Bureau, explained that the census on tribal lands focused on outreach, public service announcements, radio spots and more. The Census Bureau undertook a two-year process to prepare for the 2010 census. More than 30,000 people were recruited and tested in order to hire 7,000 census takers, including 250 individuals from tribal lands. In New Mexico, 77% of the population had a correct mailing address. For those individuals who did not have a valid address, a follow-up visit was made to households that did not return the form. Mr. Shije commented on two ongoing programs to identify individuals without valid mailing addresses. The first program involves census takers returning to vacant homes. In the other, census takers return to locales not properly geo-coded.

Mr. Shije said that only three tribes chose the "mailout/mailback" system of enumeration; the other tribes had census takers visit tribal households and fill out the forms for the households. The deadline for the Census Bureau to publish the data for the 2010 census is April 1, 2011. In addition to the 2010 census, Congress has approved the American Community Survey. The survey is a year-to-year estimate for tribal lands and any other areas with a population of under 20,000. The survey provides a lot more detailed demographic information. Mr. Shije indicated that he is currently seeking feedback from census takers who were in the field. He noted that there are minor concerns raised by tribal liaisons, but nothing of significance. The Denver region, which is composed of 91 tribes, had achieved accurate numbers.

Upon an inquiry from the committee, Mr. Shije explained that individuals who refuse to be counted in the 2010 census may be fined. Mr. Shije added that census takers in Indian country did encounter resistance from people who did not want to be counted in the census. Fewer than 4% of the people enumerated decided not to participate, which is a low number. Even in this case, the people who decided not to participate are still counted. By determining an average number of household members in that particular area, workers can estimate an accurate count of households not participating. Mr. Shije also informed the committee that the Census Bureau hired a separate follow-up team to ensure the quality of work and accuracy achieved by the first wave of workers.

Minutes

Upon a motion by Representative Powdrell-Culbert, seconded by Representative Vaughn, the committee approved without objection the minutes from the June 23, 2010 meeting of the IAC.

Joint Meeting with the Radioactive and Hazardous Materials Committee

Multi-Agency Five-Year Plan for Uranium Legacy Cleanup

John C. Meyer, Superfund Division, Region 6, U.S. Environmental Protection Agency (EPA), informed the committees of the progress and activities underway with respect to the multi-agency five-year plan his agency is spearheading. Mr. Meyer explained that approximately 500 acres have been looked at and characterized according to gamma and radon levels, among other markers. He noted that the instruments used to detect radiation contamination can only read up to five feet, but the entire property is tested. Mr. Meyer also explained that the five-year plan addresses water contamination. He stated that there are treatment solutions and equipment available. If the water in a family well is contaminated, the homeowner can dig the well deeper to avoid the contaminated water. If the contamination has extended beyond that area, more data are necessary to know how to fix the problem.

In order to add a property to the Superfund list, the EPA gathers information and follows the hazard rankings for the site. If a property ranks high enough to be put on the national priority list and the government agrees with the ranking, the property goes through a rulemaking procedure. If it survives the year- to year-and-a-half-long process, it gets on the Superfund list. The five-year plan aims to identify all the contaminated sites before cleaning them up. Working with other agencies ensures that the problems are tackled effectively.

Upon an inquiry from the committee, Mr. Meyer clarified that his agency cannot commit to do something it is not funded to do. He also clarified that environmental cleanup is a long process. The average time for cleanup is 15 years, and the hardest part of the cleanup is to understand the problem before any action on cleanup is done. According to the EPA, it cannot inject anything into an aquifer without being licensed by the Nuclear Regulatory Commission. Aquifer exemption is granted upon request and after a state underground injection control permit is issued.

In Situ Leaching, Uranium Mills and Ground Water

Bill Olsen, bureau chief, and Jerry Schoeppner, Ground Water Quality Bureau, Department of Environment, reported that prior to the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS), screen data of Poison Canyon's 26 mines were screened. The mines were prioritized based on physical hazards, such as open shafts, vent holes, adits, declines, high walls in pits, environmental hazards and potential contamination of sewers and surface and ground water. Twelve mine sites were proposed for consideration for emergency response due to physical hazards, and nine mine sites were proposed for consideration for removal action due to ongoing radiological releases.

In response to a committee inquiry, Mr. Olsen stated that, pursuant to federal law, the public water utility systems are tested for levels of contamination every three years, including in the Village of Milan. He mentioned that the Department of Environment asked the Village of Milan to test its public water utility system every year. Thus far, the tests of the Milan public water utility system have indicated that the water is safe to drink. Mr. Olsen informed the committee that the public will be alerted if contaminants are found to exceed safe levels. He noted that the state cannot stop individuals from drinking water from their own private wells.

While the Homestake Mining Company (Barrick Gold Corp.) will pay people to abandon their wells, individuals cannot be forced to abandon use of well water.

Uranium Mining Safety Standards

Rick Van Horn, Uranium Resources, Inc., and Juan Velasquez, Strathmore Minerals Corp., informed the committee that they own a mine that is not on Indian land, so they need to seek a permit from the State of New Mexico. Mr. Van Horn stated that the company purchased the land more than 20 years ago and has spent \$23 million on the mine, but it has yet to begin mining.

In response to an inquiry regarding previous legislation from the committee, Mr. Van Horn affirmed that a surtax on uranium production has been and will remain on the table for consideration and support from the uranium industry. He highlighted that an in situ leaching mine creates approximately 120 jobs, a mill creates 70 to 80 jobs, and an underground mine creates about 400 jobs. He concluded that mine safety is much more important and protocols are strictly followed nowadays, which protects the well-being of the mine workers.

Upon an inquiry from the committee, Mr. Velasquez elaborated on reclaiming water to return it to its original contamination levels. For example, if the water supply was of irrigation quality, it would be irrigation quality after remediation, and if the water was of livestock drinking quality, it would be of livestock drinking quality once again. He explained that salt levels shoot up during the mining process; reverse osmosis is used during remediation to clean it up afterward. It is important to keep in mind that this was not drinking water to begin with, but it will be as good as before.

Uranium Mine Inventory — Status Update

Bill Brancard, general counsel, Energy, Minerals and Natural Resources Department, told the committee that there are many mines for which there is no record of reclamation. He stated that 79 mines were assessed, and they provided a better understanding of the uranium legacy. Mr. Brancard reminded the committee that just a few years ago, no one was addressing the cleanup of abandoned uranium mines, and the legislature decided that his department would initiate a uranium mine inventory project to assess and prioritize reclamation of abandoned uranium mines. He informed the committee that with the involvement of the federal government and the multi-agency five-year plan that the EPA is spearheading, his department is taking a more discreet role in addressing uranium legacy cleanup. The Bureau of Land Management has allocated federal money that his department can use for cleanup of a limited number of abandoned mines. Of highest priority are the uranium mines near Silver City that are very close to residential areas. The abandoned mine program focuses on public safety, and funds for this program were pulled from different sources in order to accomplish this work.

The Radioactive and Hazardous Materials Committee left at about 5:15 p.m.

Indian Health Care Improvement Act and Health Care Reform

Leonard Thomas, area chief medical officer, IHS, highlighted that the mission of his office is to raise the physical, mental, social and spiritual health of Native Americans to the highest

possible level while assuring comprehensive and culturally acceptable personal and public health services. Mr. Thomas stated that the major advantages to national health care reform for Native Americans are increased direct health care services at IHS facilities, contract health care services at tribally operated facilities and urban health care services. Mr. Thomas stated that in 2009, the Albuquerque office served 85,946 patients. Patient services delivered included 574,747 outpatient visits, 5,322 inpatient days and 82,209 dental visits. Mr. Thomas explained that patients receive many other services, including pharmacy; nutrition; behavioral health; diabetes treatment; the women, infants and children program; prenatal; dental; audiology; radiology; laboratory; elder care; urgent care; general medicine; pediatrics; obstetrics; substance abuse care; and surgery. Because services are expensive and congressional appropriations remain below need, prevention is a primary health care strategy for the IHS. In addition, it was indicated that addressing health care disparities among Native Americans is crucial. In Indian country, the rate of alcoholism is 740% higher than the national average, diabetes is 390% higher and suicide rates are 190% higher.

The committee expressed concern that Mr. Thomas did not give a presentation on the unmet needs of Native Americans in Indian country. The committee commented on the fact that, in many cases, health care services are denied until a patient becomes terminally ill. The committee asked Mr. Thomas to return and give a presentation on needs unmet by the IHS.

Representative Madalena recessed the meeting at 5:45 p.m.

Wednesday, July 14 — Ohkay Owingeh

Representative Madalena reconvened the meeting on Wednesday, June 14, 2010, at 9:15 a.m. at the Ohkay Owingeh Casino Conference Room. Committee members and the audience then introduced themselves.

Welcome; Ohkay Owingeh Status Update

Marcelino Aguino, Governor of Ohkay Owingeh, welcomed the committee to the "place or village of the strong people" and presented Tony White, Ohkay Owingeh sheriff; Larry Phillips former lieutenant governor; the executive director for housing; Pauline Wright, Head Start; Carolyn Cruz, diabetes director; Drew Setter, lobbyist; and Pam Mahood.

Governor Aguino spoke on the history of Ohkay Owingeh, stating that its traditional lands are vast — about 37,000 acres — but now it only has 12,200 acres. He noted that 7,000 inhabitants claim Ohkay Owingeh as their home. There is currently a population of 3,200 people living within the reservation area, and there are approximately 2,700 enrolled tribal members. Ohkay Owingeh worked closely with state and local governments to revitalize local culture. Formerly known as San Juan Pueblo, Ohkay Owingeh has returned to using its traditional name. The pueblo plans to re-create the traditional plaza and restore 46 original houses, of which 22 will be finished soon. Governor Aguino said the completion of the project is a top priority.

Other priorities of the pueblo include hiring judicial and police staff, renovating the senior center and library, building a combined recreation and community center, seeking private as well as state and federal funding and initiating cigarette and other taxes to provide the revenue necessary to meet the needs of the pueblo. He concluded by stating that Ohkay Owingeh is an active participant in the Tribal-State Judicial Consortium.

Upon an inquiry from the committee, Governor Aguino stated that the current senior center needs improvements to the concrete, kitchen facilities and various fixtures and sculptures. In regard to funding needs, Governor Aguino stated that the pueblo needs transportation funds and is seeking grants from the federal Bureau of Indian Affairs and the state Department of Transportation. The current renovations were made thanks to a grant from the U.S. Department of Housing and Urban Development that was channeled through the New Mexico Finance Authority.

In response to committee questions, Governor Aguino explained that Ohkay Owingeh is taking steps to avoid double taxation on cigarettes and that the pueblo is working to minimize the negative effects of alcohol. The pueblo keeps a gross receipts tax difference of \$.17 on gasoline and \$.97 on cigarettes, which is written into state law.

The committee inquired about the airport at Ohkay Owingeh. Governor Aguino informed the committee that 90% of the airport has been completed, including the runway. Construction of hangars and a jet refueling area is under consideration. An air traffic control tower has not yet been considered but could be a possibility in the future. He invited the committee to tour the airport if time allowed.

Strong Starts for Pueblo Children Initiative

Amanda Garcia from the All Indian Pueblo Council informed the committee of Strong Starts' Youth Media Project (YMP). The YMP is a collaborative effort with the KUNM Youth Radio Project, Inspired Leadership, Inc., and each of the Strong Starts grantees in New Mexico. The All Indian Pueblo Council is currently seeking to recruit members from pueblo communities to be actively engaged with the Strong Starts for Pueblo Children Initiative. All members of the community are welcome to help the Strong Starts program.

Ms. Garcia stated that the All Indian Pueblo Council was selected as one of five New Mexico communities to join the "Strong Starts for Children" program, a new initiative that helps communities find ways for people to work together for the success of all children. In the Strong Starts for Pueblo Children Initiative, people will work to bring about success on issues, such as school readiness, linked systems for health and education, access for families to development and job training, financial literacy and educational opportunities.

Native American Medicaid Services

Regina Begaye Roanhorse, advocate, NM Health Advocacy Alliance, and Roxane Spruce Bly, director, Bernalillo County Off-Reservation Native American Health Commission, described the Medicaid agreement relationship between the federal government and Native

Americans. Ms. Roanhorse commented that the IHS is the nation's first prepaid health plan. She explained that because Native American lands were taken away, the federal government in return provides Native Americans with free health care.

Ms. Roanhorse informed the committee that the IHS is not a mandatory program; it is discretionary and funded by the political will of Congress. The appropriation consists of \$4.03 billion, mostly for contract health services that are not provided at IHS facilities. Native Americans must seek and receive approval for contract health services, which she said are mostly denied. A patient must be near a terminal stage for approval to be given. Because the IHS is currently underfunded, Medicaid reimbursement from the federal government is critical. Individuals who are enrolled in Medicaid receive health care services established by the state and approved by the Centers for Medicare and Medicaid Services. In most cases, the state receives \$4.00 in reimbursements from the federal government for every \$1.00 the state spends on providing health care services. For Native Americans enrolled in Medicaid and receiving health care services at an IHS or tribal facility, the federal government reimburses 100% of the cost of those health care services. Ms. Roanhorse explained that there is currently a \$160 million shortfall for FY 2011 and a \$320 million shortfall for FY 2010. She concluded by stating that there are approximately 62,000 people who are eligible for Medicaid but are not currently enrolled.

Department of Health — Initiatives and Priorities

Dr. Alfredo Vigil, secretary, Department of Health (DOH), and Dr. Ronald Reid, director and tribal liaison, Office of American Indian Health, informed the committee that the DOH has established partnerships to promote community development. The Office of American Indian Health facilitates collaboration between the DOH and Native Americans. Secretary Vigil stated that a meeting with Indian tribes took place to address issues relating to diabetes and obesity prevention and youth suicide. He also mentioned that the DOH worked in coordination with tribes to distribute H1N1 vaccines in Indian country. He also highlighted the 2010 IHS brochure, due in November, and the health disparities report card due in September.

Secretary Vigil presented the 2009 American Indian health disparities report card. In the report, Native Americans ranked lowest — that is, they have the highest (worst) rates on seven of 20 health indicators. He specifically mentioned alcohol-related deaths and said that New Mexico is substantially above national alcoholism figures, with Native Americans in New Mexico having the highest incidence.

The committee requested that Secretary Vigil give the committee a presentation specifically addressing youth suicide indicators and trends and the youth suicide intervention project.

Human Services Department and Aging and Long-Term Services Department — Initiatives and Priorities

Kathryn "Katie" Falls, secretary of human services, and Michael A. Spanier, secretary of aging and long-term services, informed the committee that their departments' missions are to

support healthy aging and a good quality of life for all New Mexicans. Secretary Spanier stated that in 2015, approximately 350,000 New Mexicans will be 65 years or older, which will be 17% of the population of New Mexico. By 2030, the percent of New Mexican over the age of 65 is expected to be 26% of New Mexico's population. At that time, there will be more people over the age of 65 than under the age of 18. New Mexico will rank fourth among the states with the highest number of persons over the age of 65. The state's current rank is 44.

Secretary Falls said that the Supplemental Nutrition Assistance Program is the new name for the food stamp program. She said that reports indicate an increase in the amount of Native American enrollment in the food stamp program. The Temporary Assistance for Needy Families program is currently in crisis. The program is a federal block grant of \$110 million. In past years, any money not spent was carried over and kept by the state. She said the state funded many other projects with that money. She indicated her concern that the money is running out and that the need for cash assistance benefits, child care and other important services has increased. These services may have to be cut. She noted that her department must become more efficient without cutting services, but achieving that goal has proven to be almost impossible.

Although Medicaid has funds for many people, some do not apply because they do not believe they meet the requirements. Children are healthy and therefore do not apply for Medicaid services. Native Americans know they will receive health care from the IHS even without being enrolled. She said the IHS will not receive reimbursement from the Centers for Medicare and Medicaid Services without patient enrollment.

Upon an inquiry from the committee, Secretary Falls explained the main difference between Medicaid and Medicare, which is that Medicaid enrollment is associated more with poverty and administered through the state. Medicare eligibility depends upon payments into the system and the age of the applicant and is administered directly by the federal government.

Adjournment

There being no further business before the committee, the second meeting of the IAC for the 2010 interim adjourned at 4:30 p.m.