

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

**August 29-31, 2016
Pueblo of Acoma, Pueblo of Laguna, Albuquerque**

The third meeting of the Indian Affairs Committee (IAC) for the 2016 interim was called to order at 10:22 a.m. by Representative Sharon Clahchischilliage, co-chair, on Monday, August 29, 2016, at the Sky City Casino Hotel and Conference Center in the Pueblo of Acoma.

Present

Rep. Sharon Clahchischilliage, Co-Chair
Sen. John Pinto, Co-Chair
Rep. D. Wonda Johnson (8/30, 8/31)
Rep. Georgene Louis
Rep. James Roger Madalena
Sen. Richard C. Martinez (8/30)
Sen. Cliff R. Pirtle (8/31)
Sen. Nancy Rodriguez
Sen. John C. Ryan (8/30, 8/31)
Sen. Benny Shendo, Jr. (8/29)
Rep. James E. Smith
Sen. William P. Soules

Absent

Sen. Ted Barela
Rep. Zachary J. Cook
Rep. Yvette Herrell

Advisory Members

Rep. Eliseo Lee Alcon (8/29, 8/30)
Sen. Carlos R. Cisneros
Rep. Patricia A. Lundstrom (8/30, 8/31)
Sen. Cisco McSorley
Rep. Debbie A. Rodella
Rep. Patricia Roybal Caballero
Sen. Clemente Sanchez

Sen. Stuart Ingle
Sen. Daniel A. Ivey-Soto
Sen. George K. Munoz
Rep. Nick L. Salazar

Guest Legislator

Sen. Linda M. Lopez

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

Staff

Peter Kovnat, Staff Attorney, Legislative Council Service (LCS)
Shawna Casebier, Staff Attorney, LCS
Diego Jimenez, Research Assistant, LCS

Guests

The guest list is in the meeting file.

Handouts

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

Monday, August 29 — Sky City Casino Hotel and Conference Center, Pueblo of Acoma

Welcome and Status Update

Kurt Riley, governor, Pueblo of Acoma, welcomed the committee in Keres. Representative Clahchischilliage welcomed the committee and members of the audience and asked committee members to introduce themselves.

Governor Riley thanked the committee for coming to the Pueblo of Acoma and said it is important for lawmakers to visit pueblo communities to better understand and appreciate issues unique to pueblos, like language loss, tribal adoptions and protection of cultural sites. Governor Riley read prepared remarks addressing issues facing the pueblo (see handout).

Governor Riley described the Pueblo of Acoma form of government as traditional, where tribal leaders are appointed by religious leaders. Tribal leaders work with the state and federal governments on issues of mutual concern.

The Pueblo of Acoma is facing a housing shortage, which results in difficulties attracting and keeping educated and skilled people in the pueblo. Many of the youth have left due to limited job opportunities. The pueblo is in dire need of health workers and first responders.

Gaming provides the pueblo's only major source of revenue. Gaming funds are used for funding tribal programs, water systems, tribal courts, emergency services, maintaining roads, language preservation, cultural and natural resource protection and leveraging matching funds. The pueblo has paid an average of \$1.75 million per year in gaming revenue-share payments and \$5 million per year in special fuels tax for diesel sales. The travel centers sell over one million gallons of diesel fuel each month.

In regard to cultural patrimony, Governor Riley stated that cultural items that have been stolen, illegally removed and sold carry significance and meaning that cannot be completely captured in the English language. The pueblo, with the help of the New Mexico congressional delegation, was able to prevent the auction of an Acoma shield in France and now hopes to secure its return.

Governor Riley requested that policymakers do not fix the state's budget shortfall at the expense of poor and low-income families by raising the gas tax or reintroducing the gross receipts tax on food. Governor Riley stated that the pueblo is aware that the Human Services Department (HSD) plans on reducing Medicaid provider rates, and he said such reductions will

decrease access to care for Medicaid patients and reduce the availability of health care providers. He believes that the HSD has not presented adequate information to the public and tribes to justify the rate of reductions and that the HSD has not sought meaningful input from stakeholders.

Regarding roads, Governor Riley stated that the Pueblo of Acoma's land base has over 523 miles of federal, state, county, forest and Bureau of Indian Affairs (BIA) roads. The funding for road maintenance is not enough to perform all necessary maintenance and repair activities, which is critical because the Pueblo of Acoma hosted 100,000 visitors in 2015. The pueblo also needs the state Department of Transportation to provide planning funds to realign NM 124 to connect to NM 117.

As for capital outlay and the tribal infrastructure fund (TIF), Governor Riley said that the pueblo has demonstrated its managerial capacity and technical expertise to complete projects. The Pueblo of Acoma used state money to leverage federal dollars in phase 3 of the waterless composting toilet construction project that was completed six months ahead of schedule. Governor Riley urged lawmakers to consider increasing TIF funding or create a formula or process that allows for reverted or unspent TIF funds to be reallocated to other tribes.

In response to a question from the committee, Governor Riley explained his belief that much of the cultural appropriation issue can be addressed through education and that he does not want to shut down the antiquity industry.

Approval of Minutes

Upon a motion by Representative Smith, seconded by Senator Rodriguez, and without opposition, the committee voted to approve the minutes from the committee's July 18-20, 2016 meeting.

House Joint Memorial 1 (2016): Update on Protecting Cultural Properties

Ann Berkley Rodgers, general counsel to the Pueblo of Acoma, said that she has met with an array of people to discuss ideas and precedents and how customary law has a long-standing prohibition on the sale of traditional sacred cultural items, beginning with tribal laws that have been in effect for centuries. As do tribal laws, New Mexico laws prohibit the sale or exportation of cultural items.

Ms. Rodgers referred to the federal Safeguard Tribal Objects of Patrimony (STOP) Act of 2016, sponsored by U.S. Senator Martin Heinrich and U.S. Representative Ben Ray Lujan, which prohibits the exportation of Native American cultural objects, increases the penalties for current violations and includes a safe-harbor provision for those individuals who repatriate cultural objects.

Ms. Rodgers discussed the federal Protection of the Right of Tribes to stop the Export of Cultural and Traditional (PROTECT) Patrimony Resolution, introduced by U.S. Representative Steve Pearce and U.S. Senator Tom Udall, which:

- condemns the theft, illegal possession, sale, transfer and export of tribal cultural items; and
- calls on federal agencies and New Mexico's attorney general to consult with tribes in addressing the issue.

Ken Stalter, senior counsel, Office of the Attorney General (OAG), said the OAG has been reviewing international, federal and tribal law and that the OAG intends to meet with stakeholders following that review to discuss options. Mr. Stalter added that the meeting should take place before the next meeting of the IAC in October.

Jeff Pappas, Ph.D., state historic preservation officer, Cultural Affairs Department, said that efforts to address cultural appropriation are still in their early stages.

Panel members said that current international treaties only address protecting artifacts from other countries entering the United States and not those leaving. For the Acoma shield, the United States government had to go through a United Nations Educational, Scientific and Cultural Organization (UNESCO) treaty agreement, where international permission was sought to issue a warrant that was then executed by France.

Mr. Stalter said that the burden of proof to show how an item came into one's possession can vary depending on the venue of the claim. He added that evidentiary concerns and burdens of proof have been discussed with the Indian Affairs Department (IAD).

IAD: Updates on the TIF and the State-Tribal Collaboration Act

Kelly Zunie, secretary, IAD, highlighted improvements in communication and collaboration with the state's tribes.

Efforts to improve communications include an upgrade to the IAD website, increasing the number of face-to-face trainings and workshops and focusing on the department's newsletter. The IAD has also created a memorandum of understanding that allows New Mexico's Indian tribes, pueblos and nations to request that state and federal aviation organizations refrain from doing low-level flyovers on certain days.

The department initiated an open house with the Office of the State Medical Investigator and tribal representatives to discuss techniques to handle deceased bodies in a way that is acceptable to both. As part of its technology improvements, the IAD created Project Portal, which helps the IAD track tribal infrastructure and capital outlay projects (see handouts).

Secretary Zunie said that following the 2016 state-tribal summit, a work group was formed and all summit presenters attended. The work group developed next steps and deliverables for each topic discussed at the summit and aims to accomplish the work group's tasks and report its progress at next year's summit.

Secretary Zunie also discussed the 2016 transition portfolios for each tribe, prepared by the IAD, which include:

- an overview of each TIF/capital outlay project;
- a copy of the infrastructure capital improvement plan (ICIP);
- an explanation of what capital outlay is and the capital outlay request form;
- a list of tribal liaisons;
- information on the Rio Grande Trail Commission; and
- state agency updates from the state-tribal summit.

David Mann, general counsel, IAD, detailed the TIF work group, which is looking at the TIF guidelines. The TIF work group is composed of one tribally designated representative from each Indian tribe, nation and pueblo. The work group was originally limited in scope to a discussion of the TIF guidelines but was subsequently expanded to include a discussion of the TIF application. Most of the pueblos and the Navajo Nation have been regularly sending representatives who actively participate in the consultation. Representatives from the Department of Finance and Administration also regularly attend work group meetings. The following proposed changes are still in the discussion stage and have not been brought before the Tribal Infrastructure Board. Proposed material changes represent the consensus of participating tribal representatives and include:

- the elimination of "plan", "design" and "construct" project categories and an emphasis on tribes articulating a need and a method of addressing that need. This is expected to provide greater autonomy for tribes and better follows the Tribal Infrastructure Act;
- that the ICIP listing is a threshold requirement for project consideration;
- a 15% cap on total available TIF money per project proposal, with the caveat that the Tribal Infrastructure Board can vote to change that percentage depending on fund availability each fiscal year;
- that all projects, unless specifically applied for as "planning" projects, have a 36-month completion deadline; and
- simplifying the scoring metric to weigh projects based on critical need, readiness, capacity and leveraging other funds, respectively. Under this new metric, a greater emphasis on fiscal responsibility will be instilled and the process will be more objective.

Next for the work group is to provide a detailed update to tribal leadership and project staff, submit a draft proposal of the guidelines for review and present the draft proposal at the October 2016 board meeting.

In response to a question, Secretary Zunie informed the committee that no information has been obtained on capital outlay vetoes beyond what was included in the veto letter. Secretary Zunie recommended that legislators with vetoed requests keep trying to get their requests approved and that she may be able to find some more information.

On a motion made by Representative Smith and seconded by Senator Soules, and without objection, the committee requested that LCS staff produce a document with information on vetoed capital outlay requests in Indian country for the last three years.

In response to a recommendation for the IAD to allow tribes to bring more representatives to TIF work groups, Secretary Zunie said that tribes should have state liaisons in the way the state has tribal liaisons. Secretary Zunie then told the committee that the best way to ensure full funding for projects is for that project to be in the ICIP, ideally as a top-10 priority project.

Responding to a question, Secretary Zunie said State Board of Finance rules prohibit the Tribal Infrastructure Board to move money from a stalled project to an active one because money is authorized per specific project.

Secretary Zunie said projects designated to individual Navajo chapters move more slowly than other projects because the funding must go through the Navajo Nation executive branch. This is because it is a government-to-government transaction, and a change with the Navajo Nation's process is required for the department to distribute money directly to the chapter houses.

Recess

The committee recessed at 3:50 p.m.

Tuesday, August 30 — Route 66 Casino Hotel, Pueblo of Laguna

Senator Pinto reconvened the meeting at 10:16 a.m., and committee members, staff and the audience introduced themselves. Representative Clahchischilliage chaired the remainder of the meeting.

Welcome and Status Update

David Martinez, first lieutenant governor, Pueblo of Laguna, said that the Pueblo of Laguna is composed of six individual villages governed by a 21-member council and has one-half million acres of land in trust. The Pueblo of Laguna oversees the Laguna Rainbow Corporation, Laguna Development Corporation, Laguna Housing and Development Management Enterprise and the recently formed Laguna Healthcare Corporation.

Lieutenant Governor Martinez said a primary goal of the pueblo is to provide economic opportunity benefits for pueblo members and to contribute to the county and state economies. Lieutenant Governor Martinez encouraged members to think of the Pueblo of Laguna when looking for partners in enterprise. Lieutenant Governor Martinez said the Pueblo of Laguna has access to both human and financial resources to invest, and the pueblo is looking to provide jobs to both tribal and non-tribal people living in the surrounding area. In addition, the pueblo recently purchased a casino in Louisiana.

Lieutenant Governor Martinez said that the pueblo has entertained numerous economic development opportunities, and he highlighted proposed rail lines running through the area that may appeal to manufacturers. Lieutenant Governor Martinez said that the Pueblo of Laguna seeks to use its status as a federally recognized tribe to help acquire funding and access opportunities.

The committee asked that staff contact the IAD to arrange meetings between members of the economic development community and area tribes.

A committee member expressed concern about a speed trap that Pueblo of Laguna police have set up on Interstate 40. Constituents often contact legislators and complain that they have to spend an additional \$70.00 every time they drive to Albuquerque.

School Funding, Impact Aid and Ongoing Public Education Lawsuits

Sharon Ball, researcher/drafter, LCS, discussed the *Zuni* lawsuit and impact aid. Ms. Ball said that Article 12, Section 1 of the Constitution of New Mexico provides that a "uniform system of free public schools sufficient for the education of, and open to, all the children of school age in the state shall be established and maintained".

In 1950, the federal Impact Aid Program was established to provide direct compensation to local school districts in lieu of property taxes, which are not levied on federal lands, including property owned by the U.S. Forest Service, the Bureau of Land Management, the national laboratories, Indian reservations and military installations.

There are four different kinds of impact aid: basic payments or "noncategorical funding"; Indian set-asides; special education add-ons; and construction funds. New Mexico qualifies for federal impact aid funding for all four categories, but the Public Education Department (PED) takes credit for only 75% of the basic payment portion. Because the state relies on the tax wealth of the whole state rather than the property tax wealth of school districts, New Mexico is one of the few states that qualifies as a federal "equalized expenditures state". Nearly 95% of all operational funding for New Mexico's public schools comes from the state's General Fund.

In the 1998 *Zuni* impact aid lawsuit, the plaintiff school districts raised the question of whether the capital funding system, based on local property wealth, violated the constitutional promise of a "uniform system ... sufficient for all". The plaintiffs sued the United States

Department of Education, with the PED as an intervener on the side of the Department of Education.

The plaintiff school districts contended that the state should account for outliers by district rather than by number of students, and the language in the federal rules is not definite. The state contends that it should account for outliers by numbers of students rather than by district because outliers are distinctly possible in a state with districts ranging in size from nearly 90,000 students to fewer than 50 students. The Tenth Circuit Court of Appeals upheld the finding in the state's favor.

New Mexico has, on average, taken credit for about \$50 million a year in federal impact aid basic program/noncategorical funding for the past 10 years. If the state were not able to take credit for these noncategorical impact aid funds, the legislature would have to appropriate additional General Fund dollars to hold non-impact-aid districts harmless.

In response to a question, Ms. Ball said that over the last 30 years, state courts have held that "uniform" does not mean that every child is provided for equally, but that every child will be funded to a point that is similar to every other child.

Uranium Cleanup Efforts

David R. Ohori, senior reclamation specialist, Mining and Minerals Division (MMD), Energy, Minerals and Natural Resources Department, gave the committee an overview and history of the Grants Mining District (GMD). From the 1950s to the 1980s, the GMD was a major uranium-producing region. Over 336 million pounds of uranium were produced from the mines, constituting 38% of the total uranium production in the country. Uranium mill sites are exempt under the New Mexico Mining Act.

Mr. Ohori reviewed the Tronox, Inc., bankruptcy settlement for the former Kerr-McGee Corporation mines, which went into effect in January 2015. Anadarko Petroleum Corporation paid \$5.15 billion for nationwide cleanups. In U.S. Environmental Protection Agency (EPA) Region 9 on the Navajo Nation, approximately \$900 million has been designated for cleanup on mines affecting the Navajo Nation. Collaborating entities for the Tronox settlement include the Navajo Nation's Abandoned Mine Lands Reclamation Office, the EPA, the Department of Health, the BIA, the Indian Health Service (IHS), EPA Regions 6 and 9, the Department of Environment (NMED) and the MMD.

Under the Tronox settlement, the NMED and MMD are collaboratively working on 12 uranium mines in the Ambrosia Lake Subdistrict and conducting ground water investigations in the Ambrosia Lake/San Mateo watershed. The NMED and EPA are lead agencies on the ground water investigations.

The Spencer Mine reclamation projects are being conducted by the U.S. Bureau of Land Management and the MMD. EPA Region 6 five-year plan objectives are as follows:

- assess water supply sources for contamination;
- assessment and cleanup of legacy uranium mines;
- review the assessment and cleanup and perform long-term management of former uranium milling sites;
- assessment and cleanup of contaminated structures and properties; and
- communicate and coordinate with communities.

The EPA Region 9 five-year plan objectives are as follows:

- remediate homes;
- increase water infrastructure in mining areas;
- focus on 43 priority mines located near homes;
- cleanup of the Northeast Church Rock Mine;
- cleanup of the Tuba City dump;
- treat ground water at mill sites;
- conduct health studies; and
- expand interagency outreach.

Mr. Ohori said that cleanup efforts near the Pueblo of Laguna include mines with MMD permits. Mines with MMD permits include the Rio Algom Old Stope Leach Mine, which overlaps with the Tronox settlement and is under EPA Region 6 removal actions; the St. Anthony Mine, which had an interim reclamation plan approved with \$26 million in financial assurance; and the J.J. Mine, which has been reclaimed and had an inspection performed this year.

Mr. Ohori said guidance is being provided for uranium mine cleanup if the site meets the MMD definition of an "existing mine" or if the mine produced marketable minerals for a total of at least two years between 1970 and 1993.

Under a joint guidance agreement, the preferred methodology for cleanup has been to physically remove uranium waste from the site to a monitored disposal facility. An alternative methodology for cleanup is an on-site incised disposal repository with a protective cover system. Implementation includes a work plan to characterize contamination at the site, establish site-specific radiation levels, provide a characterization summary report, develop and implement a closeout/reclamation plan and perform site management with a verification of goals (see handout).

No uranium exploration has been conducted or permitted in over three years. An operator has proposed to restart operations and is currently on standby status for the Mount Taylor Mine in Cibola County under an existing permit. A permit for a new mining operation near the Mount Taylor Mine is currently under review.

Kurt Vollbrecht, program manager, Mining Environmental Compliance Section, Ground Water Quality Bureau, NMED, said that the bureau's mission is to preserve, protect and improve

New Mexico's ground water quality for present and future generations. New Mexico's Water Quality Act and Water Quality Control Commission have established regulations for ground water discharge permits and ground water and surface water abatement. The ground water discharge permits require plans for operational, monitoring, contingency and closure actions. The ground water and surface water abatement regulations require an abatement plan.

Alternative abatement standards are used in lieu of the normal standards when there are questions about water quality. Treatment of water at any particular mine could occur without ever reaching a safe-for-consumption level. The alternate standard does not make water consumable and exists to contain water to a certain area.

The panel said that mining in New Mexico has a long history. Uranium mining in particular has been conducted on Indian, public, state and private land for decades. The New Mexico Mining Act addresses only a portion of the mining activity that has occurred.

There are believed to be approximately 260 legacy mines in New Mexico. Of those, 137 have not undergone any kind of reclamation effort. In addition, the state has no authority over mines on tribal land.

In response to a question, the panel confirmed that legacy mines that do not fall under the Tronox settlement will have to be addressed and funded by other programs. Abandoned mines are currently addressed by the Abandoned Mine Lands Program, which has funding primarily for reclamation of coal mines.

The committee recessed at 3:43 p.m.

Wednesday, August 31 — Chaco Rooms 1 & 2, Indian Pueblo Cultural Center (IPCC), Albuquerque

Welcome and Status Update

Michael Canfield, president and chief executive officer, IPCC, and Representative Madalena welcomed the committee. Representative Madalena is on the IPCC board as one of two representatives from the state's southern pueblos. The northern pueblos also have two representatives on the board. The fifth and final IPCC board member comes from the Albuquerque business community.

The governing structure of the Albuquerque Indian School can be found in the handouts section of the IAC web page.

The IPCC holds child and adult summer camps, a teaching garden, a pueblo book club and volunteer training. The IPCC goals involve community outreach and involvement, fiscal stewardship and continual improvement.

Mr. Canfield discussed property development projects by Indian Pueblo Marketing, Incorporated (IPMI), a for-profit branch of a larger organization. It includes the only Starbucks location in the county licensed to a Native American-owned company. The IPMI is in discussions with potential tenants for two additional buildings for retail development.

The IPCC and IPMI marketing department has a polished and professional online presence. The websites for the IPCC, Pueblo Harvest Café and Shumakolowa Native Arts have all been redesigned to attract and retain potential customers. Nearly 400 artists have work featured on the shumakolowa.com website, which has seen a 40% increase in traffic over the last year. Social media efforts have increased, and a total of 877,514 people follow the Facebook page.

Update on Health Services Provided to Native Americans in Light of the 1952 Contract Between the University of New Mexico Health Sciences Center, IHS and Bernalillo County

Governor Riley stated that the governor of the Pueblo of Isleta approached the All Pueblo Council of Governors (APCG) with an initiative to have the governors review the relationship with University of New Mexico Hospital (UNMH) in light of the Bernalillo County mill levy being up for renewal. The APCG Health Committee was established and was charged with familiarizing itself with the 1952 UNMH, Bernalillo County and IHS contract. Pablo Padilla, general counsel, Pueblo of Isleta, was tasked with looking at the contract to ensure that the best interest of the pueblos was being considered.

Mr. Padilla said that in the 1940s, based on trends in the country and Bernalillo County demographics, two new hospitals were needed — one hospital to improve medical access and treatment for the 10,000 Native American people in the community and another to serve the non-native community.

Instead of replacing the old Indian hospital, a decision was made to keep that one and build a new hospital next to it to accommodate the general population. A deal was brokered to provide \$1.8 million, land and infrastructure for a new hospital (see handout). A 1978 lease agreement and four supplemental agreements have been made.

One of the members of the UNMH board of directors is to be a pueblo Indian, to be selected by the All Indian Pueblo Council. Subsequently, the hospital board went from five to nine members. Initially, a second pueblo board member was not added. Now, at the urging of the APCG, a second pueblo board member has been added.

Mr. Padilla explained the particulars of the contract and the health care being provided to enrolled members of the pueblos and other tribal members (see handout).

Rodney McNease, executive director of behavioral health finances, UNMH, told the committee that the 1952 contract is binding unless all parties agree to change the terms, and no changes may be made without approval from the IHS.

According to Mr. McNease, current issues with this agreement and UNMH are the lease, Bernalillo County, the mill levy, a replacement hospital, access, communication, transparency and behavioral health.

Mr. McNease told the committee that in today's medical world, standards of care are different than when the contract was signed, and it is important to ensure that clauses in the contract relate to today's medical practices.

Currently, UNMH is pursuing a replacement facility for adult services with 300 adult medical surgical beds, emergency services, a medical office building, behavioral health services and a trauma center, all of which will require five years to complete. The project will require a total of \$500 million to \$600 million.

Mr. McNease discussed access issues at UNMH and reported that the issues mirror those of other hospital outpatient clinics. The current work at UNMH is focused on expanding capacity and leveraging resources, which involves reorganization of outpatient clinics to improve assessment and evaluation services for better coordination of services and for primary care expansion.

In February 2016, the Centers for Medicare and Medicaid Services (CMS) published guidance to allow for increased federal matching contributions to state Medicaid plans for certain Native American patients. The IHS and tribal facilities may enter into care coordination agreements with non-IHS/tribal providers to furnish certain services for their Medicaid patients that would be eligible for 100% matching funds from the federal government. According to Mr. McNease, New Mexico is interested in pursuing this payment method and is working with the CMS to develop plans for a pilot program.

Regarding the pueblo preference in the contract, Mr. Padilla expressed concern over a potential legal barrier. When these agreements were made, the federal Indian Civil Rights Act of 1968 and Civil Rights Act of 1960 were not law. However, Mr. McNease said that the hospital interprets the equal treatment mandated by the acts to mean that equal, though not superior, treatment shall be provided to Native American patients. Mr. Padilla, in his legal opinion, sees the contract as predating the Civil Rights Acts of 1960 and that the 100-bed provision and pueblo preference does not interfere with the care provided to other patients.

Mr. Padilla said that it is his belief that UNMH is not in compliance with the 100-bed provision and the priority and first-use clauses. Mr. McNease said that UNMH's interpretation of the equal-care clause in the 1952 agreement is an antidiscriminatory obligation of hospital managers in regard to Indian patients. Prior to the contract, discrimination was widespread and rampant; the clause was included to prevent discrimination.

Mr. McNease explained to the committee that Native Americans are exempt from copayments if they have UNM Care or other insurance. Mr. Padilla informed the committee that,

in light of the change of management at UNMH, he does not see any interruption of services with the transfer of governance.

Albuquerque Indian Center (AIC): Update and Funding Challenges

Mary Garcia, executive director, AIC, thanked the committee for the opportunity to make a presentation. Ms. Garcia said the AIC is a place where native people are meant to feel accepted, obtain services and keep native culture alive. The population served at the AIC is 92% Native American.

Ms. Garcia listed the major challenges facing the AIC, including the inability to secure funding to provide services to urban Indians in Albuquerque. In the past few years, the AIC has lost several of its primary funding sources and has had to stop providing certain critical services that it offered in the past.

Ms. Garcia told the committee that services currently offered by the AIC include providing mailboxes; copy services; faxing and mailing services; local and long-distance telephone service; counseling support, including intake screening; domestic violence counseling for both the batterer and victim; and Alcoholics Anonymous meetings.

On a motion made by Senator Rodriguez, seconded by Representative Johnson, and without opposition, the committee requested that a letter be drafted to Secretary Zunie stressing the committee's concern for the lack of funding for the AIC and a request for an explanation of why AIC funding requests have been denied.

Update on the Gathering of Nations PowWow (GON)

Derek Mathews, founder, GON, explained the cancellation of the GON's contract with UNM that resulted in the GON moving its event to Expo New Mexico facilities. Mr. Mathews said that when the Pit was renovated in 2010, the GON event was moved to the UNM football field. Following the event at the football field, UNM tried to stop the event from returning to the Pit. According to Mr. Mathews, a new five-year agreement plan was made at that time, and Mr. Mathews sent it to UNM but was told that he missed a deadline. UNM has refused to acknowledge receiving the plan. With the help of the mayor's office, a new five-year agreement was made with UNM and the Pit.

Five years passed, and a new five-year contract was needed, but Mr. Mathews wanted to move the event away from UNM because of the way the GON has been treated. Mr. Mathews said that the GON received invitations from all over the country, but it wants to stay in Albuquerque. Mr. Mathews said that passion for Albuquerque is the sole reason the event was moved to the Expo New Mexico facilities rather than out of state.

Regarding the GON's impact on the local economy, Mr. Mathews said that a feasibility study performed by the Albuquerque Hispano Chamber of Commerce reported that the GON provides a boost to the state of around \$25 million over the two-day event. Mr. Mathews added

that the study is about a decade old, and it is likely that the event provides a larger economic boost now. The feasibility study monitored only out-of-state money flowing into Albuquerque and did not include a study on in-state money being spent in Albuquerque. The study also did not include an analysis on the meetings and events before and after the GON event.

Public Comment

Marion Goodluck, American Indian Women's Center, informed the committee that in 2015, 1,052 domestic violence reports were filed with the Albuquerque Police Department by Native Americans, which constitutes a decrease of about 100 over a span of a year. The center has a board of eight educated Native American women. A proposal has been presented that resulted in her hiring staff to study Native American domestic violence cases. The American Indian Women's Center has applied for 501(c)(3) status.

Ms. Goodluck stated that she used to work for the AIC and that it has become less and less effective over the last 21 years since Ms. Garcia became director. She said that the AIC used to be a successful center but has lost many programs. She said that AIC staff members do not know how to write proposals or balance budgets. Ms. Goodluck also brought Ms. Garcia's salary into question.

Sam Gardipe that said he has been an Albuquerque community member for most of his life. Upon returning to Albuquerque, he noticed a lot of homeless Native American people. He noted that Indian centers in other cities have superior systems to the AIC.

Jan Gutierrez Albaguarpia, Pueblo of Santa Clara, stated that she used to work for the AIC when it was under different leadership. At one point, she was on the AIC board but was removed along with several other board members, allegedly for challenging Ms. Garcia. She said she is currently under a lifetime ban from the AIC and requested an in-depth investigation of the AIC.

Adjournment

There being no further business, the committee adjourned at 4:09 p.m.