

*Transitions Conference*  
*October 2, 2019*

*Presenters:*

*Lynn Trujillo*  
*Cabinet Secretary*

*Stephanie Salazar*  
*Senior Policy Analyst*

*UPDATE FROM*  
*NEW MEXICO*  
*INDIAN AFFAIRS*  
*DEPARTMENT*

# *Presentation Outline*

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*Brief History of the Indian Affairs  
Department (IAD)*

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*NM 2019 Legislative Update—Indian  
Affairs Department Related Legislation*

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*NM Indian Affairs Department Policy  
Initiatives*

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*Transition of Leadership and the Role of  
IAD to Support Tribal Leadership and  
Priorities*



# *History of the Indian Affairs Department*



- *The Commission on Indian Affairs was created by statute in 1953 by the New Mexico State Legislature.*
- *The 1953 statute established a state agency, the Office of Indian Affairs (OIA) to connect and enhance initiatives between the governor, legislature, and the tribal nations in the state.*
- *Governor Bill Richardson signed executive order No. 2003—22 that elevated the OIA to a cabinet level department.*
- *In April 2004, House Bill 39 which formerly established the Indian Affairs Department by legislative statute, was passed and signed into law.*
- *Tobacco Settlement Fund was created in 2010, funds distributed to IAD may be used to fund health and education programs.*

# *History of the Indian Affairs Department*



*The State Tribal Collaboration Act was signed into law on March 19, 2009.*

*The STCA requires:*

- *Annual Summit*
  - *Communication and Collaboration Policies*
  - *Tribal Liaisons*
  - *Training for State Employees*
  - *An Annual Report*
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- *In 2010, under the leadership of Governor Bill Richardson and Secretary Alvin Warren, the Indian Affairs Department secured permanent funding for the Tribal Infrastructure Fund (TIF).*
  - *IAD administers the Special Projects Grants Program, during the 2019 fiscal year IAD was appropriated \$250,000 of general funding to support special projects in tribal communities.*

# *IAD's Statutory Authority*

*NMSA §9-21-0 to 9-21-16*

## *IAD has authority to:*

- Investigate, study, consider and act upon the entire subject of Indian conditions and relations within New Mexico, including problems of health, economy and education and the effect of local, state and federal legislative, executive and judicial actions; and*
- Assist in setting the policy, and act as the clearinghouse, for all state programs affecting the Indian people of New Mexico.*

# *Relevant Statutes:*

## Indian Affairs Department Statutes

Section	Title	Purpose
NMSA § 9-21-1 et seq.	Indian Affairs Department	Creates IAD
NMSA § 6-29-1 et seq.	Tribal Infrastructure Act	Creates TIF Board and TIF fund
NMSA § 11-18-1 et seq.	State-Tribal Collaboration Act	Promotes Govt to Govt relations, collaboration and communication

## IAD Boards, Commissions, and Committees

NMSA § 6-29-4	Tribal Infrastructure Fund Board; NMSA § 6-29-4 (2008)
NMSA § 9-3-13	Sex Offender Management Board; NMSA § 9-3-13 (2007)
NMSA § 9-5C-1	Rio Grande Trail Commission; NMSA § 9-5C-1 (2015)
NMSA § 9-7-6.4	Behavioral Health Purchasing Collaborative; NMSA § 9-7-6.4. (2004)
NMSA § 9-21-13	Indian Affairs Commission; NMSA § 9-21-13 (2004)
NMSA § 22-23A-6	NM Indian Education Advisory Council; NMSA § 22-23A-6 (2007)
NMSA § 24-1-28C	Native American Subcommittee; NMSA § 24-1-28 (2004)
NMSA § 24-11-1	Office of Medical Investigator Board; NMSA § 24-11-1 (2003)
NMSA § 28-16A-4	Developmental Disabilities Planning Council; NMSA § 28-16A-4 (1993)
NMSA § 28-19-1	Martin Luther King Jr. Commission; NMSA § 28-19-1 (2004)
NMSA § 32A-22-2	Children's Cabinet; NMSA § 32A-22-2 (2005)
NMSA § 72-4A-4	Water Trust Board; NMSA § 72-4A-4 (2007)
EO 2018-031	Drought Economic Impact Assessment for 2017-2019
EO 2019-003	Addressing Climate Change and Energy Waste Prevention
EO 2019-007	Establishing the New Mexico 2020 Complete Count Commission
IAD	Missing and Murdered Indigenous Women Taskforce (House Bill 278)

# *IAD's Vision and Mission*



## ***Vision***

*We envision tribal nations and tribal communities that are happy, healthy, and prosperous, where traditional ways of life are honored, valued, and respected.*

## ***Mission***

*IAD commits to serving as a resource for tribal communities by:*

- *Advocating for tribal interests through policy and legislative advocacy;*
- *Supporting tribes with access to resources, technical assistance, and funding opportunities; and*
- *Building relationships between tribes and the executive branch, state departments, and the legislature.*

## ***Values***

*Service, Respect, Community*

# 2019 Legislative Session Updates

- Senate Bill 489 – *Energy Transition Act*
- House Bill 278 – *Missing and Murdered Indigenous Women (MMIW) Taskforce*
- House Memorial 70 – *Protect Native Songs and Dances*
- Senate Bill 228 – *Wildlife Corridors Act*



# *Energy Transition Act (ETA)*

*Sponsors:  
Jacob Candelaria  
Nathan P. Small  
Mimi Stewart  
Patricia Roybal-  
Caballero  
Brian Egolf*

**Summary:** *The ETA establishes new renewable and zero carbon emission portfolio standards for both utilities and rural electric cooperatives and authorizes an alternative mechanism for financing the retirement of coal-fired power plants.*

**IAD Involvement:** *Directs the IAD to administer the Energy Transition Indian Affairs Fund to assist Native communities and people in the affected area following the closure of the San Juan Generating Station and Four Corners Power Plant.*

**Goals:**

- *Understand the diverse perspectives on ETA and implement a successful communications strategy.*
- *Ensure that the voices of tribal communities are being amplified and that these perspectives inform transition policy.*

**Current efforts:**

- *IAD is facilitating listening sessions with Navajo chapters in the 100-mile radius (affected area) surrounding the San Juan Generating Station.*

## *Missing and Murdered Indigenous Women Taskforce*

*Sponsors:  
Andrea Romero  
Derrick J. Lente  
Melanie Stansbury  
D. Wonda Johnson*

**Summary:** Requires the creation of a taskforce that will study the crisis of MMIW in our state. The taskforce shall create a report with findings and recommendations which is due by November 2020.

**IAD Involvement:** Directs IAD to convene the MMIW taskforce and requires Cabinet Secretary Lynn Trujillo to serve as taskforce Chair. IAD will administer the appropriation for taskforce activities.

### **Goals:**

- Understand the full extent of the MMIWG crisis in our state and develop recommendations that systematically document and address the issue.
- Ensure that the Native community has a meaningful opportunity to speak about this issue.

### **Current efforts:**

- The taskforce nominations have been sent to the Governor's office for the required background checks.
- Final appointments are still pending.
- Meanwhile, IAD staff is preparing research summaries and finalizing a draft workplan for the taskforce.

# *Protecting Native Songs and Dances*

*Sponsor:  
Anthony Allison*



**Summary:** *Directs the Indian Affairs Department, New Mexico Attorney General, and Department of Cultural Affairs to meet and identify potential solutions collectively with pueblos, nations and tribes to create legal mechanisms that protect and preserve Native American songs and dances.*

**IAD Involvement:** *IAD will work to ensure that recommendations reflect the wishes of tribal leadership.*

**Goals:**

- *Identify mechanisms for protecting Native American songs and dances and consider the broader issue of protecting tribal cultural property.*

**Current efforts:**

- *IAD has requested assistance from the UNM School of Law Southwest Indian Law Clinic (SILC) to research this issue and provide recommendations.*
- *SILC recommendations will provide a starting place for the discussion with tribal leadership in the coming months.*

# *Wildlife Corridors Act*

*Sponsor:  
Mimi Stewart*



Río Grande del Norte National Monument (CC BY 2.0) by BLM

**Summary:** *Directs the Departments of Game and Fish and Transportation to prepare a Wildlife Corridors Action Plan. Provides opportunities for Indian nations, tribes, and pueblos to enter into joint powers agreements for wildlife migration corridors that cross state or tribal land.*

**IAD Involvement:** *IAD will facilitate the creation of joint power agreements.*

**Goals:**

- *Provide tribal leadership with the information and resources to make informed decisions on the agreements requested.*

**Current efforts:**

- *This project is in its initial stages. DOT's request for proposals closed recently; after a contractor is selected data gathering and analysis will begin.*

# *Education Initiatives:*

*House Bill 5 – Public Education  
Changes*

*House Bill 589 – Community School,  
Early Childhood & Pre-K*

*House Bill 250 – Native American  
Student Needs Assessments*

*Senate Bill 22 – Early Childhood  
Education and Care Department*



# *IAD* *Education* *Initiatives*

*IAD supports the Public Education Department to implement the following legislation*

## *House Bill 5 – Public Education Changes:*

- *Enhances select school programs, increases teacher salaries, and increases the investments in schools with at risk students, extended time learning programs, and schools located in rural areas.*

## *House Bill 589 – Community School, Early Childhood & Pre-K:*

- *Expands the purpose of community schools and requires the identification of cultural and linguistic needs of students from early childhood programs and pre-kindergarten through high school.*

# *IAD* *Education* *Initiatives*

*IAD supports the Public Education  
Department to implement the  
following legislation*

## *House Bill 250 – Native American Student Needs Assessments:*

- *Requires school districts with high numbers of Indian students to prepare needs assessments to assess the services school districts provide to Indian students to help them graduate and become ready for college and a career.*

## *Senate Bill 22 – Early Childhood Education and Care Department:*

- *Creates the Early Childhood Education and Care Department as a cabinet-level department. The Department will create an Assistant Secretary for Native American Early Education and Care.*

# *Impact Aid Funding Initiative:*

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## **Summary:**

*IAD and PED have met with tribal leaders from different tribes, pueblos, and nations to discuss impact aid and potential solutions.*

## **Goals:**

- *Meet with stakeholders around the state and learn about potential harms caused by the current impact aid funding formula.*
  - *Identify and present solutions to stakeholders.*
  - *Remain transparent and open with tribal leadership.*
  - *Advise and assist with the development of a legislative fix for the 2020 legislative session.*
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# *IAD's Current Policy Priorities*

## *Current:*

- *Census 2020*
- *Broadband*
- *Behavioral Health*
- *Commitments from 2019 State Tribal Leaders Summit*



# Census 2020

**Summary:** *The 2020 Census is critical to the representation of native communities and it determines the amount of federal dollars that will be allocated to the state and tribes.*

**IAD involvement:** *IAD is collaborating with the state, tribes and grassroots organizers to establish a Complete Count Committee that will raise awareness about the importance of the census, increase self-response rates, and provide tribal leadership with technical assistance in preparation for the 2020 Census.*

**Current efforts:** *The IAD received \$400,000 from the Department of Finance & Administration in preparation for the 2020 Census to ensure a fair and accurate complete count for New Mexico, especially the hard to count communities in our state.*

# *Broadband Infrastructure*

***Summary:** Broadband infrastructure in tribal communities is desperately lacking. However, this infrastructure is critical to provide rural communities in the state an opportunity to develop their economy, access telehealth services, education and public safety resources.*

***IAD involvement:** IAD is an advocate for tribes and supports initiatives to fund broadband infrastructure, including support for tribal libraries.*

***Current efforts:** IAD continues to monitor federal legislation supporting broadband development in Indian Country. Research on this issue as well as meetings with experts in the field are in progress.*

# *Behavioral Health*

- ***Behavioral Health Collaborative** allows several state agencies and multiple resources across state government involved in behavioral health prevention, treatment, and recovery to work as one to improve mental health and substance abuse services in New Mexico.*
- ***Behavioral Health Planning Council** advises the Behavioral Health Collaborative on policies, programs, and funding; and provides input in all collaborative related activities.*
- ***BHPC: Native American Subcommittee** is chaired by the Secretary of Indian Affairs – or designee. The NASC should advise the BHPC about the impact of select policies on tribes in the state.*



# *State-Tribal Leaders Summit*

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**Summary:** *The 2019 State Tribal Leaders Summit was held on May 15-16, 2019 at the Indian Pueblo Cultural Center in Albuquerque, New Mexico.*

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**Day One:** *Two presentations were made that provided an overview of the history of state-tribal relations and background of the creation and development of the State-Tribal Collaboration Act.*

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**Day Two:** *Governor Michelle Lujan Grisham attended the Summit and engaged with tribal leaders on various topics. Specific commitments were made and are listed in the 2019 "State Tribal Leaders Summit Final Report."*

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**Final Report:** *The report can be accessed on the Indian Affairs Department's website.*

# *State-Tribal Leaders Summit Education Follow Up*

## ***Highlights from the discussion:***

- *Tribal leaders were tasked with creating a blueprint for what they want for their children from early childhood, primary, secondary, and higher education institutions.*
- *The new Early Childhood and Care Department is tasked with inviting tribes to participate in future discussions surrounding policies, regulations, funding mechanisms, when creating the new department.*
- *The Public Education Department will work with tribes to ensure that there is an opportunity to participate in the assessment of school districts and curriculum.*

# *State-Tribal Leaders Summit Healthy Communities Follow up*

## *Highlights from the discussion:*

- The Department of Health was asked to unveil a process that reviews the integration of tribal health planning efforts and identifies tribal priorities within the department's strategic plan.*
- Cabinet departments were asked to create a directory of all cabinet secretaries and liaisons, including key contact numbers, a basic description of every service provided, the amount of funding that goes to that service, and a description of each tribe's population that is currently served.*
- The Children, Youth and Families Department (CYFD) was tasked with creating a database for child welfare cases that tribes can access.*

# *State-Tribal Leaders Summit Water and Cultural Sites Follow up*

## *Highlights from the discussion:*

- The Energy Minerals and Natural Resources Division is tasked with finalizing a new tribal consultation policy that is modeled after the Department of Interior policy.*
- The Office of State Engineer will work towards the establishment of a water rights litigation and settlement unit with the appropriate number of lawyers and technical experts on staff.*
- The New Mexico Environment Department will begin conducting regular inspections to ensure that permit holders are complying with permitting restrictions.*

*State-Tribal  
Leaders  
Summit  
Public  
Safety  
Follow up*

*Highlights from the discussion:*

- *CYFD, the Department of Public Safety and tribal leaders will work collectively to address suicide among tribal youth and address the lack of existing resources for state and tribal justice systems by leveraging resources and creating better partnerships.*
- *CYFD and tribal leaders will work towards establishing intergovernmental agreements on juvenile justice.*
- *CYFD and tribal leaders were encouraged to begin looking at program models that are effective such as the Adobe Program in Albuquerque.*

# *STCA Annual Reports*

- *Annual reports , which are required from each cabinet-level agency as provided for in the State Tribal Collaboration Act, have all been submitted to the Indian Affairs Department.*
- *Each agency report highlights agencies' efforts to implement policy and comply with the STCA.*
- *Staff are reviewing the reports and identifying opportunities for collaboration and areas where additional support from the IAD is needed.*
- *STCA reports will be shared with tribal leadership. Tribal leaders are encouraged to share these reports with their directors and department leadership.*
- *STCA reports can be located on the IAD website.*



# *Tribal Leadership Transition and IAD Support*

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*The transition of tribal leadership is something that tribes plan for, however on a state-level, IAD recognizes that even a smooth transition in leadership has an impact on a tribe's policy agenda. In some cases, training may be required for newly seated leadership to get them up to speed on the political dynamics within state government and legislative processes. IAD would like to support newly seated tribal leadership and staff to ensure that no opportunities are missed. In addition, when consultation is required or when support is needed for legislation that impacts all tribal communities, IAD would like to inform tribal leadership and garner support.*



# *Discussion Questions?*

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- *How can IAD support newly seated tribal leadership?*
- *What is the best way for IAD to work with tribal leadership at the beginning of the year, which is typically a busy time in many tribal communities?*
  - *Tribal Leadership meeting before the session*
  - *Legislative fact sheets*
  - *Regular teleconference updates with leadership*
  - *Other thoughts?*
- *What can the state do at the end of the year, before tribal leadership transition to ensure policy and legislative agendas that impact tribes are known by all?*



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*Thoughts or  
Suggestions?*

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*THANK YOU!*

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