



2022

# LEGISLATIVE REPORT

»» New Mexico Indian Affairs Department ««



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# LETTER FROM SECRETARY TRUJILLO

Dear Honorable Tribal Leaders,

On behalf of the staff of the New Mexico Indian Affairs Department, the state agency charged with improving the wellbeing of Indigenous people in New Mexico and creating more effective state-Tribal relations, I am pleased to share this report on the activities and successes of our department through the 2022 30-day Legislative Session.

Within the pages of this report you will read about the 29.1% increase to IAD's operating budget, allowing for 4 new FTEs, successful legislation and funding to improve outcomes for Missing and Murdered Indigenous Women & Relatives (MMIWR), new funding to support Indian Education programs, historical investments in Tribal infrastructure, and other successes for Indian Country in New Mexico.

Under the leadership of Governor Michelle Lujan Grisham, we are making progress on the initiatives of New Mexico's 23 sovereign Pueblos, Tribes, and Nations. More than that, I want to thank all of you - the Tribal leaders, constituents, and advocates who worked hard, alongside IAD staff, to ensure that the 2022 Legislative Session moved us closer to realizing the vision of our agency - that Tribal Nations, Tribal communities and Indigenous people are happy, healthy and prosperous and that traditional ways of life are honored, valued and respected.

The successes in this report are a result of our collective work, and I couldn't be more grateful.

Sincerely,  
Lynn Trujillo, IAD Cabinet Secretary

# INTRODUCTION

The 2022 New Mexico Legislative Session provided a platform to address several pervasive and longstanding issues faced by the state's 23 Nations, Tribes, and Pueblos. From acknowledging the several hundred missing and murdered Indigenous women and relatives whose cases still remain unsolved, to recognizing the scarce funding for Indigenous linguistic and cultural education, Native issues made up some of the session's most critical topics. As a result of strong advocacy and input from Tribal and community leaders and legislators, we were able to leverage this needed attention, and the current state of New Mexico's budget, to begin to resolve key issues legislatively.

**The New Mexico Indian Affairs Department 2022 Legislative Report highlights successes of Tribal Communities and Indigenous Peoples from the 2022 Legislative Session.**

This year's thirty-day legislative session took place on January 18, 2022, to February 17, 2022, in both an in-person and virtual capacity due to the ongoing COVID-19 pandemic. The primary focus of the thirty-day session was budget and budget-related legislation. Despite the 2022 Legislative Session's hybrid nature, 642 bills were introduced during the session. The Department tracked more than 50 bills and provided analysis of 36 bills impacting New Mexico's Nations, Tribes, Pueblos and urban Indian communities. This report summarizes Tribal-related legislation and provides an overview of state investments that will positively impact Tribal communities signed into law by Governor Lujan Grisham.

The following list provided is not meant to be exhaustive.



# INFRASTRUCTURE

This legislative session, the Lujan Grisham administration secured another historic infrastructure investment of over \$70 million for Tribal governments, Tribal entities, and Tribal colleges. The funding will be administered by departments across the cabinet including Indian Affairs Department, Aging and Long-Term Services Department, Department of Transportation, Higher Education Department and more.

<b>Tribal Infrastructure By Category</b>	<b>Sum of FUNDED AMOUNT</b>
Children & Family Facilities (domestic violence shelters, daycare etc.).....	\$2,900,000
Community Facilities.....	\$6,718,000
Cultural Facilities (libraries, museums, arts, etc.).....	\$3,756,000
Health Facilities.....	\$200,000
Higher Education.....	\$13,295,000
Highways, Roads & Bridges (streets, overpasses, drainage, lights, etc.).....	\$4,583,000
Housing.....	\$4,055,000
Law Enforcement & Public Safety.....	\$3,197,037
Military & Veterans.....	\$375,000
Parks & Recreation Facilities.....	\$4,215,600
Public Buildings & Equip (govt offices, rest areas, fair facil, etc.).....	\$5,218,000
Schools (education facilities other than higher education).....	\$7,729,017
Senior Citizens.....	\$2,636,237
Telecommunications.....	\$300,000
Transportation ( airports, railroads, buses, vehicles, etc.).....	\$182,000
Utility & Waste (water lines, sewer, power, landfills, treatment, etc.).....	\$11,945,446
Water & Irrigation (rivers, dams, acequias, conservation, water wells).....	\$2,543,530

# INDIAN AFFAIRS DEPARTMENT

The Indian Affairs Department was successful in securing budgetary increases to support new and existing Indian Affairs programs. Additionally, two bills recommended by IAD and the MMIWR Task Force, SB 12 and SB 13, were passed by the legislature and signed by the Governor.



## BUDGET

This legislative session, IAD was successful in receiving a 29.1% increase to our budget.

With the advocacy and support of our Tribal leaders, IAD secured four new full time employees (FTEs) for our department. These four FTEs will help build our capacity so that we can better advocate for our Tribal nations and do more work to support Tribal communities.

In particular, the four FTEs include two positions within our Administrative Services Division that will enable us to provide more training to our Tribal partners and ensure that capital outlay, TIF, and special appropriations money is spent down. In the Office of the Secretary, we will have new positions to support Tribal consultation, as well as a suicide prevention specialist who will support the implementation of new behavioral health programs.

In addition to the base increase in our budget and the increased staffing, we received funding for the following initiatives of the department:

Five hundred three thousand dollars (\$503,000) for IAD to work with Tribes to build capacity for Tribal suicide prevention programs to reduce risk and increase protective factors to prevent suicide amongst Native Americans, particularly youth.



## BILLS

Native American women face extremely high rates of violence, an epidemic which is marked by the lack of data around the number of women who go missing or are murdered in and outside of reservations.

In 2019, the Legislature and Governor Michelle Lujan Grisham assigned the Indian Affairs Department to establish and lead the Missing and Murdered Indigenous Women and Relatives (MMIWR) Task Force. The task force reported its findings and recommendations to Governor Lujan Grisham, the legislative council service library, and the appropriate legislative committees.

On May 5, 2021, Governor Lujan Grisham extended the task force's work through Executive Order 2021-013. The task force is comprised of representatives from across Tribal Nations, including state legislators and community partners.

Senate Bill 12 and Senate Bill 13 are legislative recommendations from Missing and Murdered Indigenous Women and Relatives (MMIWR) Task Force focused on increasing collaboration with Tribal governments, Tribal law enforcement, and the United States Department of Justice to determine how to address the MMIWR crisis by creating partnerships and improving processes for reporting and investigating cases while supporting families and communities with resources.

## Senate Bill 13: Missing in New Mexico Day

Senate Bill 13 (SB13), sponsored by Senator Linda Lopez and Representative Andrea Romero, amends the Missing Persons Information Clearinghouse statute to include hosting the “Missing in New Mexico Day.” The amendment and establishment of this day will ensure the continuity of this event and will allow more resources to be directed to this critical division within the Department of Public Safety (DPS) and to families that are impacted by this crisis.

New Mexico will be the first state to require the Missing Persons Clearinghouse to host this event annually.

The Missing in New Mexico Day event focuses on missing persons and supports families by bringing public safety resources to one location so missing person reports can be filed, families can speak to an investigator, or update an existing report with information that was not available when the initial report was taken. Most importantly, families would be able to provide biometric data such as DNA, fingerprints, and images which support the identification of unidentified and unclaimed persons. In addition, this event will bring community together to receive training about missing persons investigations and the various resources available to families and communities.

This event will be hosted by the DPS Missing Persons Clearinghouse in collaboration with the National Missing and Unidentified Persons System (NamUs) and other partners. State, federal, municipal, county, and Tribal governments and law enforcement agencies will be invited and encouraged to participate.

“

*As a member of the MMIWR Task Force and Community Impact Subcommittee, I am honored to sponsor this legislation that will offer much needed support to families and communities that are longing for answers about their missing loved one. Missing in New Mexico Day event is a first step to improve missing persons reports and offer families the opportunity to highlight their relative’s case with the media and provide support services to promote healing.”*

**Senator Linda Lopez**



**926**  
**Active Cases**

*According to our state’s Missing Persons Clearinghouse, as of February 1, 2022, there are 926 active missing persons and 20 unidentified persons reported across New Mexico in the National Crime Information Center (NCIC).*

## Senate Bill 12: AG Office For Missing Indigenous Persons

Senate Bill 12 (SB12), sponsored by Senator Shannon Pinto and Representative Pamela Herndon, was crafted in response to existing problems in the effective investigation and prosecution of MMIWR cases highlighted in the 2020 MMIWR Task Force Report. Checkerboard jurisdictional obstacles and lack of specialization in these cases are an impediment to justice for victims, survivors, and their families.

In New Mexico, there are over a hundred law enforcement agencies, over a dozen prosecution entities, and twenty-three sovereign Tribes in addition to the State of New Mexico and the federal government.

In some parts of the state, land status varies mile to mile affecting response time, investigation, and prosecution. Effectively coordinating investigations between these jurisdictions is necessary for improving outcomes on cases involving missing and murdered Indigenous people.

SB12 closes jurisdictional loopholes between federal, Tribal, and state law enforcement and prosecution of MMIWR cases by ensuring effective case management with specialists trained in cultural competency, law enforcement reporting, and missing persons casework.





# CRADLE TO CAREER

With Indigenous people representing nearly 11% of New Mexico’s population, Native American cultures and languages deserve equitable footing in our education system. Thankfully, several bills passed this session to address this disparity and support Indigenous education and curriculum, from early childhood to higher education.

## Early Childhood Education and Care Department (ECECD)

Through the General Appropriations Act, the ECECD secured 1 FTE grants coordinator to work directly with our sovereign nations under the leadership and direction of Assistant Secretary Jovanna Archuleta. This position will help ECECD secure grants and support grants management and development.

Also, through the General Appropriations Act, ECECD secured for the first time Tribal investment funds from the Early Childhood Trust Fund in the amount of **\$1,575,000**, which will go towards:

1

Contractual services to support a range of infrastructure and workforce needs identified through government-to-government consultation

2

Grants directly to Tribal governments to increase access to Home Visiting, Early Intervention services, and Families First

3

Grants directly to Tribal governments to provide technical assistance, phased planning, curriculum, and identified needs



## Public Education Department (PED)

PED secured significant funding increases in House Bill 2 (HB2) to support Indian education, Indigenous language and culture preservation, and implementation of the Indian Education Act (IEA).

The following are highlights of select items in HB2 for Indian education:

### **\$15 million**

for the Indian Education Fund -- triple the appropriation from last year (FY22).

- Recurring IEA fund to support Tribal Departments of Education, School Districts, and Charter Schools that serve a significant number of Native American Students.
- Indigenous Language and Culture programs, Indigenous Educator Pathways, community-based education programs, among others

### **\$1.25 million**

to fund salary equity for Indigenous language and culture teachers certified by Tribes, Nations, and Pueblos (520 certificate holders). This PED budget initiative will fund House Bill 60.

### **\$2 million**

for Tribal libraries for the purposes of planning and designing.

Additional funding was secured for Tribal Departments of Education to partner with school districts and charter schools to offer K-12 plus programs for Native American students.

In addition to HB2, school districts and charter schools may enter into an agreement with Tribes to count up-to 30 hours of school time for cultural ceremonies, dances, and feast days.

The following appropriations are specific funding allocations for school districts and charter schools to address the Yazzie/Martinez rulings:

## \$5.1 million

for Indigenous, multilingual, multicultural, and special education programs.

## \$10 million

for educational technology and staffing.

## \$15 million

for at-risk interventions for students prioritized to schools with the highest Family Income Index that provide supplemental, evidence-based services for at-risk students.

## \$13.3 million

for public and charter schools including Tribal charter schools to increase community-based extended learning- increasing time for students to engage in learning with their teachers.

### Higher Education Department (HED)

#### **Senate Bill 140: Opportunity Scholarship Act**

As a priority of Governor Lujan Grisham, Senate Bill 140 (SB140), which is sponsored by Senator Stafanics and Representative Garratt, permanently expands the option of tuition-free college to New Mexicans pursuing career training certificates, associate degrees, and bachelor's degrees at a New Mexico public or Tribal college or university. It is the first state scholarship program in New Mexico to consider students pursuing career training certificates.



SB140 appropriates a total of **\$216.6 million** that includes:

## **\$75 million**

for the New Mexico Opportunity Scholarship, which will provide tuition-free college to as many as 35,000 New Mexicans attending the state's 29 public colleges and universities starting Fall 2022 under the most wide-reaching and accessible tuition-free college program in the United States.

## **\$5 million**

for the Teacher Loan Repayment program to provide much-needed student debt relief for more than 600 New Mexico Teachers working in high-need focus areas and schools.

## **\$130 million**

for the New Mexico Lottery Scholarship to ensure sustainability of the program in covering full tuition for the next four years for more than 15,000 recent high school graduates each year pursuing associate and bachelor's degrees full-time at New Mexico's 29 public colleges and universities.

## **\$5 million**

for the Teacher Preparation Affordability Scholarship to support up to 1,400 students pursuing degrees leading to teacher licensure.

## **\$1.6 million**

for the Health Professional Loan Repayment program to provide student debt relief for over 60 healthcare professionals working in high-need health fields and communities.

### **Programs and Initiatives Supporting Native American Students and Faculty**

- Governor Lujan Grisham’s Food, Farm, and Hunger initiative directs **\$1 million** toward hunger relief projects and services for students on college and university campuses.
- **\$250,000** for developing a Teacher Education Consortium to build a structure and system of colleges, universities and faculty members that offer necessary courses for students to meet the requirements of a bilingual teaching license. A consortium can help harness the support and expertise for the bilingual educator pipeline and teacher preparation.
- **\$263,900** for the Tribal College Dual-Credit Program
- **\$250,000** for the Native American Studies Program at the University of New Mexico (UNM)
- **\$185,400** for the Southwest Indian Law Clinic at UNM
- **\$250,000** for the American Indian Summer Bridge Program at UNM
- **\$1.05 million** for Tribal Education Initiatives at UNM-Albuquerque
- **\$5 million** for endowed positions in the Native American Studies Program at UNM
- **\$100,000** for Tribal Education Initiatives at UNM-Gallup
- **\$88,100** for the Native American Suicide Prevention program at UNM Health and Sciences Center (HSC)
- **\$240,500** for the Center for Native American Health at UNM HSC
- **\$200,000** for Tribal Education Initiatives at New Mexico State University (NMSU)
- **\$100,000** for Tribal Education Initiatives at NMSU-Grants
- **\$255,700** for the Indian Resources Development Program at NMSU
- **\$200,000** for Tribal Education Initiatives at New Mexico Highlands University (NMHU)
- **\$209,900** for the Native American Social Work Institute at NMHU
- **\$150,000** for the Native American Student Center at Northern New Mexico College (NNMC)
- **\$100,000** for Tribal Education Initiatives at San Juan College

**Total: \$9.89 million**

### **Capital Projects**

- **\$2.1 million** for waterline and roof improvements at SIPI
- **\$120,000** for renovations on the Diné College’s Math and Science Building
- **\$150,000** for information technology upgrades at the UNM Indigenous Planning and Design Program

**Total: \$2.37 million**

### **Additional Funding for Programs and Initiatives**

- **\$150 million** to strengthen workforce pipelines, including support for nurses, educators, social workers, healthcare, and other specialized areas.
- **\$15.9 million** to support the dual-credit program, adult education programs, literacy programs, and other programs to support New Mexicans from cradle to career.

# NATIVE FAMILIES & ELDERS

Legislation affecting Native families and elders was passed during this session. This includes the New Mexico Food, Farm and Hunger Initiative, which invests in expanding the state's food system and access to nutritious affordable food, as well as initiatives sponsored by the Children, Youth, and Families Department and Aging and Long-term Services Department.

## New Mexico Food, Farm and Hunger Initiative

Governor Michelle Lujan Grisham secured \$24 million for the New Mexico Food, Farm, and Hunger Initiative, a funding plan that will revolutionize New Mexico's food system and expand effective federal and state nutrition programs, ensuring that thousands of food-insecure New Mexicans have access to healthy meals.

This is the largest investment increase in food and agriculture in recent state history. The initiative includes over \$24 million to support and expand statewide food and hunger initiatives administered across eight state agencies. The administration's proposed funding will deliver critical support to food banks and hunger relief organizations throughout New Mexico, in addition to expanding the state food system by providing additional resources for local agricultural producers to grow more food.



Highlights of the **New Mexico Food, Farm, and Hunger Initiative** include:

**The College Food Security Initiative**, which provides grab-and-go healthy meals, low cost or free access to campus dining plans, campus food pantries, and/or innovations to food distribution systems to support 15,500 food insecure students.

**Summer and Afterschool Nutrition Support**, which provides start-up and expansion grants to help address child food insecurity during the summer months and at other times when school meals are not available.

**Meal Gap Funding**, which will fund food bank assistance to an additional 150,000 New Mexicans across the state, including children and seniors experiencing food insecurity in high-need counties.

**New Mexico Grown**, which will enable 260,000 New Mexicans to eat locally produced fruits and vegetables, meat, nuts, and other foods in schools, senior centers, and preschools.

**The Healthy Soils Program**, which will promote and support an additional 64 land management projects that improve the health, yield, and profitability of the soils of the state.

**The Fruit and Vegetable Prescription Program**, which provides individuals in rural communities with weekly vouchers to buy fruits and vegetables from New Mexico producers.

**Double Up Food Bucks**, which provides dollar-for-dollar incentives for more than 46,000 SNAP participants to purchase New Mexico-grown fruits and vegetables at grocery stores, farmers' markets, farm stands, and mobile markets.

**The Food Security Innovation Grant Program**, which will provide funding for infrastructure improvements for New Mexico's food system, including cold storage, transportation, and kitchen equipment for preparing and serving meals.

## Children, Youth, and Families Department (CYFD)

### **HB 135 Indian Family Protection Act**

HB135, the Indian Family Protection Act (IFPA), was sponsored by Representative Louis, Senator Ivey-Soto, and Representative Cadena. The enactment of this bill will enable the State to protect the rights of Native American children, families and Tribes by codifying and expanding the federal Indian Child Welfare Act (ICWA) in New Mexico law. CYFD reports that American Indian/Alaskan Native children are four times more likely to be removed from their families. The removal of American Indian/Alaskan Native children usually results in a disconnect from their extended families, their Tribal communities, and their cultural identity. HB135 provides a process that protects the connection of Indian children to their family and their Tribe.

The enactment of IFPA is critically important now because ICWA is under attack nationally. Recent court cases like *Brackeen v. Haaland*, No. 18-1149 (5th Cir. 2021), challenge the constitutionality of ICWA. By codifying ICWA in state law, New Mexico may continue ICWA's protections for Tribes, Indian children and their families, even if the cases challenging the federal ICWA are successful. Many states have passed comprehensive state versions of ICWA: California, Iowa, Michigan, Minnesota, and Oklahoma are among them.

CYFD also received \$50,000 for the CYFD Office of Tribal Affairs to provide training related to Indian Family Protection Act.



*As Governor, I've had to deal with issues involving Acoma children who enter the state's Children, Youth & Family system. They are some of the most difficult cases, the most heart wrenching, often calling for making tough choices. Sometimes there are no easy answers. The Indian Family Protection Act provides tools for improving the treatment of Indian children, their families and their tribes in state agency and court actions."*

**Randall Vicente**  
Pueblo of Acoma Governor

## Aging and Long-term Services Department (ALTSD)

The ALTSD had several wins in the General Appropriations Act that will support Tribal elder services across the state.

The most impactful gain is the addition of 4 FTEs to the Office of Indian Elder Affairs (OIEA) to provide for technical training and support for existing programs, data reporting systems, as well as the development of senior center, adult day care, and home and community-based service programs.

The Kiki Saavedra Senior Dignity Fund (KSSDF) authorizations have been cleared for distribution. Last year's legislative language did not allow for the utilization of the funding. The language has been corrected, and the Pueblos of Taos and Santa

Ana will each receive a grant to develop an adult day care center starting July 1, 2022-June 30, 2025, utilizing KSSDF funding. The Kiki Saavedra Senior Dignity Fund was created as a non-reverting fund to address high priority services for senior citizens in New Mexico including transportation, food insecurity, physical and behavioral health, case management, and caregiving. The goals of the fund are to increase access for seniors and adults with disabilities, including veterans, to specialty vehicles and specialty physical and behavioral health care not always provided in rural areas; assistance with appointments and meals in underserved areas of the state; and care coordination through community health workers.

## Taxation and Revenue Department (TRD)

### **House Bill 132: Interest Rates for Certain Loans**

House Bill 132 (HB132), sponsored by Representative Susan Herrera, Representative Brian Egolf, Representative Joy Garratt, Representative Phelps Anderson, and Representative Damon Ely, caps interest rates on short-term loans. House Bill 132 would reduce the maximum annual interest rate on installment loans from 175 percent to 36 percent.

Small lenders are often located near Tribal communities. Small lenders within the state "outnumber McDonalds with 561 small lenders."

That is approximately one small lender for every 4,000 people. Nearly 60% of all small lenders are located within 15 miles of Tribal boundaries. This demonstrates that small lenders are targeting Native people, working families, and young Native people. In McKinley County, there is a population of 71,367 people. In 2020, McKinley County generated 69,618 loans which is almost a 1:1 person to loan ratio. The small lenders usually lend at the highest allowable interest rate. More than 50% of their generated loans have an interest rate between 100% - 175%. This data comes from the document "High Interest Lenders" by the NAVA Education Project.



# TRIBAL ECONOMIES

Native American-owned businesses and Tribal economies will benefit from legislation secured during the session under the General Services Department and the New Mexico Department of Agriculture.

## General Services Department (GSD)

### **Senate Bill 39: Veteran and Native American Procurement Preferences**

As part of the Lujan Grisham Administration's broader Buy New Mexico initiative, Governor Lujan Grisham signed into law Senate Bill 39 (SB39) which allows Native American-owned businesses operating on Tribal land in New Mexico to be eligible to receive in-state preference, helping these businesses thrive and create jobs.

Under the previous law, businesses operating on Native American land in New Mexico do not qualify as certified New Mexico resident businesses. And like other minority-owned businesses, Native American-owned businesses have historically been under-represented in public sector contracting. These factors put Native American-owned businesses at a disadvantage for obtaining capital, increasing revenue and pay and expanding and creating jobs. SB39 corrects this issue so that Native American-owned businesses have the same opportunities as other businesses when it comes to securing state contracts.

SB39, sponsored by Senator Benny Shendo, Jr., amends the Procurement Code to:

- Increase the bidding preference of New Mexico businesses seeking state and local government contracts from 5% to 8%;
- Allow, for the first time, Native American-owned businesses operating on tribal land to qualify as certified New Mexico resident businesses and receive the same bidding preference as other in-state companies;

- Renew the 10% bidding preference for certified New Mexico resident veteran businesses, which is due to expire June 30, 2022, without action by the Legislature to extend it; and
- Double the cap on New Mexico veteran-owned businesses receiving the 10% bidding preference from those with annual revenues up to \$3 million to those with annual revenues up to \$6 million.

### **House Bill 167: Tribe & Pueblo Car Excise Tax Credit**

New Mexico tribes want equity with other states when it comes to the credit against tax on vehicles purchased within their territory. House Bill 167 (HB167), sponsored by Representative Georgene Louis and Representative Jason Harper, allows tribes to try and attract auto dealerships to do business with them. HB167 may expand economic opportunities for tribal governments and bring more business to the state. Increasing tribal economic opportunities will likely benefit the state by increasing purchases in New Mexico while supporting tribal economic development.

Presently, an excise tax is imposed upon the sale of every vehicle in the state. New Mexico's current rate for the motor vehicle excise tax is 4% and is applied to the price paid for the vehicle. Vehicles purchased out-of-state that had taxes levied in that out-of-state transaction can credit the taxes paid to the state taxes owed on that same vehicle. HB167 would apply this same concept to vehicles purchased on tribal lands so when the vehicle is registered with the motor vehicle division the taxes paid to the tribal government can be credited to the taxes due to the state.

## New Mexico Department of Agriculture (NMDA)

Through the General Appropriations Act, the NMDA secured an estimated **\$800,400** for the following initiatives:

### **The Southwest Border Food Protection and Emergency Preparedness Center (Center)**

New Mexico agriculture faces a myriad of omnipresent threats including agroterrorism, foreign animal diseases, and natural hazards such as winter storms and prolonged drought. This necessitates ongoing training and collaboration to ensure response readiness and awareness. This appropriation builds on the Center's success in developing buy-in from local, Tribal, regional, and national entities and diverse stakeholders.

### **To expand the Marketplace and Economic Development**

Expansion of Value-Added Ag and Economic Development Operations - The increase in program and operational budgets will improve the Marketing and Development team's ability to support New Mexico food producers, processors, restaurants, and agribusinesses. This is accomplished through a marketing plan focused on enhancing market share in existing markets and/or development of new markets.

### **The State Chemist Laboratory**

The State Chemist Laboratory operates primarily as a regulatory lab providing analytical support of statutory mandates. This laboratory provides chemical analysis for departmental regulators to ensure New Mexico's citizens receive products meeting labeling guarantees and that are not adulterated. The protections provided include those who use animal feed (including pet food), commercial fertilizers, and commercial pesticides.



# WATER & ENVIRONMENT

This Administration is committed to ensuring sustainability and equity in Tribal access to clean water and a clean environment. This legislative session, several initiatives were enacted to support water and environment protections.

## Office of the State Engineer (OSE)

Water issues received substantial attention during the 2022 Legislative Session. In total, water legislation and the Governor's water initiatives resulted in significant victories for Tribes. Under legislation passed during the session, the OSE/ISC recurring operating budget is poised to grow, with most of the growth funding new positions for new and existing efforts that were largely in alignment with the expansions sought by the Executive that included staff for the 50-Year Water Plan.

Among the initiatives receiving expanded staffing were Indian Water Rights Settlements, acequia assistance, and Water Data Act implementation. While the Legislature did not adopt the Executive's recommendation to use \$6.4 million of General Funds to more fully unwind agency operating budget reliance on the trust funds, the Legislature did take a meaningful step in that direction by reducing operational reliance by \$2.9 million. This would help with long term sustainability of agency funding and may allow a portion of the trust funds to be redirected toward the fund's intended purposes.

House Bill 2 and Senate Bills 48 and 212 also included a substantial amount of one-time, non-recurring and capital appropriations to OSE/ISC.

Also included are a number of appropriations that would assist the agency in its operational efforts including:

- **\$42.6 million** for the Aamodt settlement;
- **\$30.3 million** for drought mitigation projects
- **over \$9 million** for litigation and litigation avoidance efforts
- **\$2.1 million** for surface and ground water measurement stations
- **appropriations** to support the 50-Year Water Plan, dam safety, acequia projects, and Water Data Act implementation.



## Environment

### **House Bill 164: Uranium Mines Cleanup**

House Bill 164 (HB164) Uranium Mines Cleanup, sponsored by Representative Debra M. Sarinana, Representative Anthony Allison, Representative D. Wonda Johnson, and Senator Jeff Steinborn, requires the New Mexico Environment Department to work to clean up and reclaim former uranium mine and mill sites. HB164 also creates the Uranium Mine Revolving Fund.

### **Senate Bill 37: Public Project Revolving Fund Appropriations To The Drinking Water State Revolving Loan Fund, The Wastewater Facility Construction Loan Fund And The Cultural Affairs Facilities Infrastructure Fund**

Senate Bill 37 (SB37) appropriated the needed state match for federal allocations to the state's Clean Water and Drinking Water State Revolving Funds, which are available to support Tribal water and wastewater infrastructure projects. Specifically, SB37 appropriates \$2,500,000 to the CWSRF administered by NMED. NMED will use the funds as the required state match to leverage \$16,640,000 in estimated federal funds to be deposited into the CWSRF from the regular federal allocation plus the funds from the Bipartisan Infrastructure Law to be used for loans and combined grant and loan funding packages for eligible infrastructure projects in communities. Of the approximately \$16,640,000 in federal funds, the State will be allowed to utilize approximately \$7,450,000 for grant subsidies for a combination of grant and loan funding packages, depending on the exact final federal allotments. Eligible projects include wastewater facility projects, nonpoint source water pollution control projects, and watershed projects that meet the criteria of the Clean Water Act. The matching funds are requested annually for this purpose. To inquire about funding for an infrastructure project, contact NMED's Construction Programs Bureau at [NMENV-cpbinfo@state.nm.us](mailto:NMENV-cpbinfo@state.nm.us) or 505-469-3459.

# BEHAVIORAL HEALTH

The 2022 Legislative Session produced numerous behavioral health wins for the state of New Mexico. Under Governor Lujan Grisham's leadership, behavioral health has been and remains a top priority, especially during the ongoing COVID-19 pandemic. This session's wins will benefit and expand both the state and Tribal Nations' behavioral health efforts.

## HB 2: General Appropriations Act

Through the General Appropriations Act (HB2), the state secured the following appropriations:

- **\$10 million** from the American Rescue Plan Act (ARPA) for people experiencing homelessness through the Department of Finance Administration;
- **\$270,000** for the Behavioral Health Collaborative (including for the five Tribal local collaboratives);
- **\$2.2 million** for suicide prevention through Department of Health Garret Lee Smith Grant (for public service announcements, social media, and trainings);
- **\$277,000** for Native American services through the Human Services Department;
- **\$3.3 million** for Infant Mental Health through the Children, Youth, and Families Department (where several tribal nations are participating);
- **\$7.3 million** for crisis shelter for youth (including for 2 Native American crisis shelters);
- **\$3.3 million** for domestic violence, including for the Native American Coalition;
- **\$50 million** from ARPA to expand enrollment and graduates for Behavioral Health and Child Welfare; and
- As previously mentioned, **over \$500,000** for suicide prevention through the Indian Affairs Department and \$15 million for behavioral health interventions for at-risk students through the Public Education Department

## 988 National Initiative

The Human Services Department's (HSD) secured appropriations will support its ongoing initiatives, including the 988 national initiative. In response to the National Suicide Hotline Designation Act of 2020, the state is in the process of planning for the implementation of 988 in New Mexico. The 988 national initiative is designed to build a comprehensive response for mental health, substance use, and suicidal crises that is as robust as the 911 emergency response system. Once fully operational, the 988 phone number will integrate our state's two current 24/7 crisis call hubs with community mobile crisis outreach units, and crisis receiving facilities, to connect all New Mexicans from the point of crisis to the appropriate level of care. To learn more about this new initiative, please visit the following website: <https://www.vibrant.org/988/>.

Since March 2021, the HSD's Behavioral Health Services Division (BHSD) has facilitated monthly stakeholder meetings and work groups. A tribal work group was formed to address the needs of tribal communities in the implementation of 988. The BHSD continues to request tribal EMS/Fire/Behavioral Health Directors and/or leadership representation at the monthly 988 stakeholder meetings.

## House Bill 52: Harm Reduction Act Amendments

House Bill 52 (HB52) Harm Reduction Act Amendments, sponsored by Representative Tara L. Lujan, Representative Dayan Hochman-Vigil, Representative Katy M. Duhigg, Representative Christine Chandler, and Senator Linda M. Lopez, amends the Harm Reduction Act to expand supplies or devices provided to harm reduction program participants. More specifically, HB52 allows the Department of Health to distribute fentanyl test strips and sterile supplies to reduce overdose and the spread of infectious disease and enables the department to act quickly to address the lethal additives in drugs.

## House Bill 95: Easy Enrollment Act

House Bill 95 (HB95) the Easy Enrollment Act, sponsored by Representative Liz Thomson, Senator Liz Stefanics, and Senator Brenna McKenna, gives uninsured New Mexicans an easy on-ramp to health coverage through the state income tax system. Starting next year, taxpayers will have the option to give the state tax agency permission to share information used to assess eligibility for low-cost or no-cost coverage with agencies that oversee health coverage programs, like Medicaid and Health Insurance Marketplace, beWellnm.com. The HSD will assess eligibility and contact uninsured individuals to provide information about their coverage options, increasing accessibility for all participants. This bill's passage is a win for families and communities, enrolling more New Mexicans in affordable health insurance.

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*The mental wellbeing of Native youth is so important. We must work together to destigmatize mental health issues and provide Native youth with access to culturally competent mental health resources. Please join us as we start the process of healing and building relationships that will help to empower our Tribal youth and communities.”*



**Trinity Roybal**  
Pueblo of Pojoaque, IYC Member

# CONCLUSION

Legislation important to Indigenous communities was wide-ranging this session. With support from Governor Lujan Grisham, these initiatives will work to improve the lives of members of New Mexico's Tribes, Pueblos, and Nations by ensuring proactive case management for missing and murdered Indigenous women and relatives, increased funding for Indigenous education, protection of Native families and elders, improved water and environmental stewardship, more economic opportunities for Native businesses, increased access to behavioral health resources, and much more. The increased budget for infrastructure and staffing within the Indian Affairs Department will be pivotal in carrying out each of these programs.

Thank you for your support, leadership and advocacy during this legislative session. We look forward to working in partnership with you as we implement these pieces of legislation.

For more information about any of these legislative initiatives, please see the listing of current [Tribal Liaisons](#).



New Mexico  
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