LEGISLATIVE SUMMARY SHEET
Tracking No. 0015-19

DATE: January 31, 2019

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO NAABIK'ÍYÁTI' COMMITTEE; SUPPORTING 49th STATE OF NEW MEXICO FIRST SESSION LAWS 2009 CHAPTER 15, SENATE BILL 196, AS AMENDED, WITH EMERGENCY CLAUSE TITLED "AN ACT RELATING TO GOVERNMENTAL AFFAIRS; ENACTING THE STATE-TRIBAL COLLABORATION ACT; REQUIRING STATE-TRIBAL COLLABORATION AND COMMUNICATION; DECLARING AN EMERGENCY

PURPOSE: The purpose of the resolution is to support New Mexico Senate Bill 196, as amended, which was enacted to promote effective communication and collaboration between the state agency and Indian nations, tribes or pueblos; promoted positive government-to-government relations between the state and Indian nations, tribes or pueblos; promoted cultural competency in providing effective services to American Indians or Alaska Natives; and established a method for notifying employees of the state agency of the provisions of the State-Tribal Collaboration Act and the policy that the state agency adopted pursuant to the Senate Bill 196.

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD: 2pm BSS
Website Posting Time/Date:
Posting End Date: 02/09/19
Eligible for Action: 02/10/19

PROPOSED STANDING COMMITTEE RESOLUTION

24th NAVAJO NATION COUNCIL—FIRST YEAR, 2019

INTRODUCED BY

Primary Sponsor

TRACKING NO. 0015-19

AN ACTION

RELATING TO NAABIK'ÍYÁTI' COMMITTEE; SUPPORTING 49th STATE OF NEW MEXICO FIRST SESSION LAWS 2009 CHAPTER 15, SENATE BILL 196, AS AMENDED, WITH EMERGENCY CLAUSE TITLED "AN ACT RELATING TO GOVERNMENTAL AFFAIRS; ENACTING THE STATE-TRIBAL COLLABORATION ACT; REQUIRING STATE-TRIBAL COLLABORATION AND COMMUNICATION; DECLARING AN EMERGENCY"

WHEREAS:

A. The Navajo Nation established the Naabik'íyáti' Committee as a Navajo Nation Council standing committee and as such empowered the Naabik'íyáti' Committee to coordinate all state programs, including education in public schools. *See* 2 N.N.C. §§ 700 (A), 701 (A)(6).

B. The Navajo Nation has a government-to-government relationship with the State of New Mexico.

C. Senators John Pinto, Pete Campos, Carlos R. Cisneros, Mary Jane M. Garcia, Eric G. Griego, Howie C. Morales, George K. Munoz, Cynthia Nava, Nancy Rodriquez, John M. Sapien and Peter Wirth introduced New Mexico Senate Bill 196 to the 49th Legislature of the State of New Mexico. See New Mexico Senate Bill 196, as amended, attached hereto as **Exhibit A**.

D. New Mexico Senate Bill 196, as amended, was enacted to promote effective communication and collaboration between the state agency and Indian nations, tribes or pueblos; promoted positive government-to-government relations between the state and Indian nations, tribes or pueblos; promoted cultural competency in providing effective services to American Indians or Alaska Natives; and established a method for notifying employees of the state agency of the provisions of the State-Tribal Collaboration Act and the policy that the state agency adopted pursuant to the Senate Bill 196.

THEREFORE, BE IT RESOLVED:

A. The Navajo Nation hereby supports the 49th State of New Mexico First Session Laws 2009 Chapter 15, Senate Bill 196, as amended with emergency clause titled "AN ACT RELATING TO GOVERNMENTAL AFFAIRS; ENACTING THE STATE-TRIBAL COLLABORATION ACT; REQUIRING STATE-TRIBAL COLLABORATION AND COMMUNICATION; DECLARING AN EMERGENCY" attached hereto as **Exhibit A**.

B. The Navajo Nation hereby requests the State of New Mexico Governor Michelle Luhan-Grisham to require all New Mexico State Agencies to comply with the 49th State of New Mexico First Session Laws 2009 Chapter 15, Senate Bill 196, as amended.

C. The Navajo Nation hereby requests proper, adequate, and meaningful consultation between the State of New Mexico and the Navajo Nation regarding New Mexico State Agencies actions and the Navajo Nation.

EXHIBIT

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A

The Legislature

of the

State of New Mexico

49th Legislature, First Session

LAWS 2009

CHAPTER 15

SENATE BILL 196, as amended,

with emergency clause

Introduced by

SENATORS JOHN PINTO, PETE CAMPOS, CARLOS R. CISNEROS, MARY JANE M. GARCIA, ERIC G. GRIEGO, HOWIE C. MORALES, GEORGE K. MUÑOZ, CYNTHIA NAVA, NANCY RODRIGUEZ, JOHN M. SAPIEN AND PETER WIRTH

FOR THE INDIAN AFFAIRS COMMITTEE

EMERGENCY CLAUSE

CHAPTER 15

AN ACT

RELATING TO GOVERNMENTAL AFFAIRS; ENACTING THE STATE-TRIBAL COLLABORATION ACT; REQUIRING STATE-TRIBAL COLLABORATION AND COMMUNICATION; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE.--This act may be cited as the "State-Tribal Collaboration Act".

Section 2. DEFINITIONS.--As used in the State-Tribal Collaboration Act:

A. "American Indian or Alaska Native" means:

(1) individuals who are members of any federally recognized Indian tribe, nation or pueblo;

(2) individuals who would meet the definition of "Indian" pursuant to 18 USC 1153; or

(3) individuals who have been deemed eligible for services and programs provided to American Indians and Alaska Natives by the United States public health service, the bureau of Indian affairs or other federal programs;

B. "Indian nation, tribe or pueblo" means any federally recognized Indian nation, tribe or pueblo located wholly or partially in New Mexico; and

C. "state agency" means an agency, department or office of the state of New Mexico that is cabinet-level.

Section 3. COLLABORATION WITH INDIAN NATIONS, TRIBES OR PUEBLOS.--

A. By December 31, 2009, every state agency shall develop and implement a policy that:

(1) promotes effective communication and collaboration between the state agency and Indian nations, tribes or pueblos;

(2) promotes positive government-to-government relations between the state and Indian nations, tribes or pueblos;

(3) promotes cultural competency in providing effective services to American Indians or Alaska Natives; and

(4) establishes a method for notifying employees of the state agency of the provisions of the State-Tribal Collaboration Act and the policy that the state agency adopts pursuant to this section.

B. In the process of developing the policy set forth in Subsection A of this section, state agencies shall consult with representatives designated by the Indian nations, tribes or pueblos.

C. A state agency shall make a reasonable effort to collaborate with Indian nations, tribes or pueblos in the development and implementation of policies, agreements and programs of the state agency that directly affect American

Indians or Alaska Natives.

D. The Indian affairs department shall maintain for public reference an updated list of the names and contact information for the chief executives of the Indian nations, tribes or pueblos and for the state agency tribal liaisons.

E. Every state agency shall designate a tribal liaison, who reports directly to the office of the head of the state agency, to:

(1) assist the head of the state agency with developing and ensuring the implementation of the policy as set forth in Subsection A of this section;

(2) serve as a contact person who shall maintain ongoing communication between the state agency and affected Indian nations, tribes or pueblos; and

(3) ensure that training is provided to the staff of the state agency as set forth in Subsection B of Section 4 of the State-Tribal Collaboration Act. Nothing in this subsection shall preclude tribal liaisons from providing or facilitating additional training.

Section 4. ANNUAL SUMMIT--TRAINING OF STATE EMPLOYEES--ANNUAL REPORTS.--

A. At least once a year, during the third quarter of the state's fiscal year, the governor shall meet with the leaders of Indian nations, tribes and pueblos in a state-tribal summit to address issues of mutual concern.

B. All state agency managers and employees who have ongoing communication with Indian nations, tribes or pueblos shall complete a training provided by the state personnel office with assistance from the Indian affairs department, which training supports:

(1) the promotion of effective communication and collaboration between state agencies and Indian nations, tribes or pueblos;

(2) the development of positive state-tribal government-to-government relations; and

(3) cultural competency in providing effective services to American Indians or Alaska Natives.

C. No later than July 31 of every year, a state agency shall submit a report to the Indian affairs department on the activities of the state agency pursuant to the State-Tribal Collaboration Act, and the Indian affairs department shall compile all such reports for submittal to the governor and to the legislature. The report shall include:

(1) the policy the state agency adopted pursuant to the State-Tribal Collaboration Act;

(2) the names of and contact information for the individuals in the state agency who are responsible for developing and implementing programs of the state agency that directly affect American Indians or Alaska Natives;

(3) the current and planned efforts of the state agency to implement the policy set forth in Subsection A of Section 3 of the State-Tribal Collaboration Act;

(4) a certification by the state personnel office of the number of managers and employees of each state agency who have completed the training required by Subsection B of this section;

(5) a description of current and planned programs and services provided to or directly affecting American Indians or Alaska Natives and the amount of funding for each program; and

(6) the method the state agency established for notifying employees of the state agency of the provisions of the State-Tribal Collaboration Act.

Section 5. RIGHT OF ACTION.--Nothing in the State-Tribal Collaboration Act creates a right of action against a state agency or a right of review of an action of a state agency.

Section 6. SEVERABILITY.--If any part or application of this act is held invalid, the remainder or its application to other situations or persons shall not be affected.

Section 7. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

Diane D. Denish, President
Senate

Lenore M. Naranjo, Chief Clerk
Senate

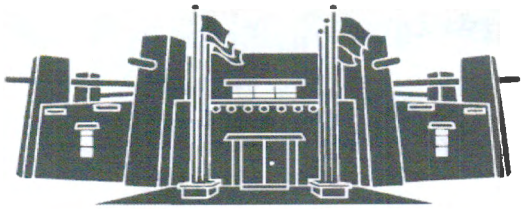
Ben Lujan, Speaker
House of Representatives

Stephen R. Arias, Chief Clerk
House of Representatives

Approved by me this 19th day of March, 2009

Governor Bill Richardson
State of New Mexico

Office of Legislative Counsel
Telephone: (928) 871-7166
Fax # (928) 871-7576



Honorable Seth Damon
Speaker
24th Navajo Nation Council

MEMORANDUM

TO: Honorable Mark Freeland
Becenti, Lake Valley, Nahodishgish, Standing Rock, Whiterock, Huerfano, Nageezi, Crownpoint Chapters

FROM: Mariana Kahn
Mariana Kahn, Attorney
Office of Legislative Counsel

DATE: January 31, 2019

SUBJECT: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO NAABIK'ÍYÁTI' COMMITTEE; SUPPORTING 49th STATE OF NEW MEXICO FIRST SESSION LAWS 2009 CHAPTER 15, SENATE BILL 196, AS AMENDED, WITH EMERGENCY CLAUSE TITLED "AN ACT RELATING TO GOVERNMENTAL AFFAIRS; ENACTING THE STATE-TRIBAL COLLABORATION ACT; REQUIRING STATE-TRIBAL COLLABORATION AND COMMUNICATION; DECLARING AN EMERGENCY

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge. Please ensure that his particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§301, 401, 501, 601 and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. §164(A)(5).