

1 SENATE JOINT MEMORIAL 59

2 47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006

3 INTRODUCED BY

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10 A JOINT MEMORIAL

11 URGING THE PUBLIC REGULATION COMMISSION TO DEVELOP PROTOCOLS
12 FOR RESPECTFUL INTERACTIONS WITH TRIBAL GOVERNMENTS.

13
14 WHEREAS, the significance of state-tribal relations has
15 been recognized repeatedly by New Mexico governors and elected
16 representatives; and

17 WHEREAS, the state of New Mexico has recognized through
18 agreements, protocols, treaties and laws the need for respect
19 for the Indian nations, tribes and pueblos in New Mexico; and

20 WHEREAS, in February 2005, Governor Bill Richardson issued
21 an executive order requiring seventeen state agencies to adopt
22 formal plans for interactions with tribal governments, tribal
23 communities and tribal members within New Mexico and
24 encouraging all other state agencies to prepare a pilot tribal
25 consultation plan consistent with the order; and

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1 WHEREAS, also in February 2005, Governor Bill Richardson
2 by executive order required eight state agencies to develop
3 tribal consultation polices on the protection of sacred places
4 and repatriation; and

5 WHEREAS, in 2003, Governor Bill Richardson entered into
6 agreement on a statement of principles and process, agreed to
7 by the nineteen pueblos, the Navajo Nation and the Mescalero
8 Apache Tribe, that called for an "open-door policy" for voicing
9 concerns and committed to legislative and administrative
10 consultation prior to action affecting tribal governments; and

11 WHEREAS, in 1996, former Governor Gary Johnson entered
12 into a statement of principles and policy with tribal
13 governments and aspired to government-to-government
14 relationships dedicated to open communications "based on mutual
15 respect"; and

16 WHEREAS, concern that all New Mexico agencies act in
17 accordance with law and policy leads legislators to question
18 whether some agencies do not fully understand the significance
19 of the need for respect toward Indian nations, tribes and
20 pueblos within New Mexico's boundaries; and

21 WHEREAS, the public regulation commission, unlike many
22 other state agencies, has never adopted a protocol for formal
23 government-to-government relationships between itself and
24 tribal governments; and

25 WHEREAS, the public regulation commission is required by

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1 rule to cooperate with tribal governments on topics over which
2 the commission has jurisdiction and to conduct joint
3 investigations, hold joint hearings and issue joint or
4 concurrent orders with tribal governments; and

5 WHEREAS, certain Indian nations, tribes and pueblos have
6 been dissatisfied with interactions that evince, at best, a
7 lack of understanding of the nature of tribal sovereignty and,
8 at worst, a lack of respect by the public regulation commission
9 for tribal sovereignty; and

10 WHEREAS, reports from Indian nations, tribes and pueblos
11 show concern that the public regulation commission believes
12 that tribes are subject to the authority and regulation of the
13 public regulation commission rather than that they are
14 sovereign entities that must be negotiated with when an issue
15 of regulation on their land arises; and

16 WHEREAS, Indian nations, tribes and pueblos have the
17 expectation that their leaders are entitled to the respect,
18 consideration and consultation that would be accorded a public
19 official from any jurisdiction, not merely a subdivision of the
20 state, and over which the public regulation commission has
21 limited, if any, jurisdiction; and

22 WHEREAS, significant relationships deserve attention,
23 respect and emphasis, and state agency interactions with
24 sovereign governments are significant relationships;

25 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE

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1 STATE OF NEW MEXICO that the public regulation commission be
2 urged to develop a protocol for interactions with tribal
3 governments immediately, setting forth procedures and
4 principles for interactions that are respectful and effective
5 and that encourage good communication and foster good
6 relationships; and

7 BE IT FURTHER RESOLVED that the public regulation
8 commission report to the interim legislative Indian affairs
9 committee no later than September 2006, presenting at that time
10 the protocol developed and adopted by the commission that
11 ensures respectful, effective interactions between the
12 commission and the Indian nations, tribes and pueblos and that
13 encourages good communication and fosters good relationships;
14 and

15 BE IT FURTHER RESOLVED that copies of this memorial be
16 transmitted to the governors of all of the pueblos in New
17 Mexico, the presidents of the Navajo Nation and the Mescalero
18 Apache Tribe and the commissioners of the public regulation
19 commission.