

SENATE RULES COMMITTEE SUBSTITUTE FOR
SENATE JOINT MEMORIAL 59

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

A JOINT MEMORIAL

REQUESTING THE PUBLIC REGULATION COMMISSION TO DEVELOP A TRIBAL
CONSULTATION PLAN.

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

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

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

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underscoring material = new
[bracketed material] = delete

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, the public regulation commission seeks to
17 cooperate with tribal governments on topics over which the
18 commission has jurisdiction and to conduct joint
19 investigations, hold joint hearings and issue joint or
20 concurrent orders with tribal governments;

21 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
22 STATE OF NEW MEXICO that the public regulation commission be
23 respectfully requested to develop a tribal consultation plan or
24 protocol in conjunction with the Indian affairs department for
25 interactions with tribal governments, setting forth procedures

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1 and principles for interactions that are respectful and
2 effective and that encourage good communication and foster good
3 relationships; and

4 BE IT FURTHER RESOLVED that the public regulation
5 commission report to the interim legislative Indian affairs
6 committee during the 2006 interim, presenting at that time the
7 tribal consultation plan or protocol developed and adopted by
8 the commission in conjunction with the Indian affairs
9 department that ensures respectful, effective interactions
10 between the commission and the Indian nations, tribes and
11 pueblos and that encourages good communication and fosters good
12 relationships; and

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

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