

HOUSE BILL 161

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

D. Wonda Johnson

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO INDIAN AFFAIRS; MOVING THE INTERTRIBAL CEREMONIAL OFFICE TO THE LOCAL GOVERNMENT DIVISION OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION; RENAMING THE INTERTRIBAL CEREMONIAL OFFICE AS THE INTERTRIBAL INDIAN CEREMONIAL ASSOCIATION; AMENDING AND RECOMPILING SECTIONS OF THE NMSA 1978 SIRC ~~→;~~
~~MAKING AN APPROPRIATION~~ ←SIRC .

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

.223050.3AIC February 23, 2023 (12:23pm)

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SECTION 1. Section 9-15C-1 NMSA 1978 (being Laws 2005, Chapter 219, Section 1, as amended) is recompiled as Section 12-16-1 NMSA 1978 and is amended to read:

"12-16-1. SHORT TITLE.--~~[Chapter 9, Article 15G]~~ Chapter 12, Article 16 NMSA 1978 may be cited as the "Intertribal SIRC→**Indian**←SIRC Ceremonial Act"."

SECTION 2. Section 9-15C-2 NMSA 1978 (being Laws 2005, Chapter 219, Section 2, as amended) is recompiled as Section 12-16-2 NMSA 1978 and is amended to read:

"12-16-2. DEFINITIONS.--As used in the Intertribal SIRC→**Indian**←SIRC Ceremonial Act:

~~[A. "department" means the tourism department;]~~

A. "association" means the intertribal Indian ceremonial association;

B. "county" means the governing body of McKinley county;

~~[B.]~~ C. "director" means the director of the ~~[intertribal ceremonial office]~~ association; and

~~[G.]~~ D. "fund" means the intertribal SIRC→**Indian**←SIRC ceremonial SIRC→**association**←SIRC fund

~~[D. "office" means the intertribal ceremonial office; and~~

~~E. "secretary" means the secretary of tourism]."~~

SECTION 3. Section 9-15C-3 NMSA 1978 (being Laws 2005, Chapter 219, Section 3, as amended) is recompiled as Section 12-16-3 NMSA 1978 and is amended to read:

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"12-16-3. INTERTRIBAL INDIAN CEREMONIAL [~~OFFICE~~]
ASSOCIATION CREATED--POWERS AND DUTIES--INTERTRIBAL
SIRC→INDIAN←SIRC CEREMONIAL SIRC→ASSOCIATION←SIRC BOARD
CREATED.--

A. The "intertribal Indian ceremonial [~~office~~]
association" is created. The [~~office~~] association is
administratively attached to the [~~department~~] local government
division of the department of finance and administration.

B. The [~~governor~~] county shall appoint a director,
who shall serve at the pleasure of the [~~governor~~] county. The
director shall hire and terminate other necessary employees,
who shall be subject to the provisions of the Personnel Act.

C. The director shall:

(1) work with [~~the department~~] private, local,
state and federal entities to establish steady funding for the
intertribal SIRC→Indian←SIRC ceremonial;

(2) supervise the activities of the [~~office~~]
association;

(3) work with the [~~department~~] county to
promote the intertribal SIRC→Indian←SIRC ceremonial; and

(4) prepare an annual budget and an annual
report on the activities of the [~~office~~] association.

D. The [~~office~~] association shall:

(1) administer an annual intertribal
SIRC→Indian←SIRC ceremonial;

(2) cooperate with and assist public and

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private entities that seek to promote recognition of ceremonies significant to Indian nations, tribes and pueblos;

(3) function as the coordinating [office] association for all services and activities pertaining to the intertribal SIRC→Indian←SIRC ceremonial;

(4) adopt rules in accordance with the State Rules Act to carry out the duties of the [office] association;

(5) accept gifts, grants, donations, bequests and devises from any source to be used to carry out its duties;

(6) enter into contracts; and

(7) charge admission, parking and concessions fees, give prizes and premiums, create sponsorships and other forms of advertising, arrange entertainments and do all things the [office] association may consider proper for the conduct of the intertribal SIRC→Indian←SIRC ceremonial and not otherwise prohibited by law.

E. The "intertribal SIRC→Indian←SIRC ceremonial SIRC→association←SIRC board" is created. The board shall consist of [~~eight~~] nine members, including the director, who shall serve ex officio, [~~the secretary or the secretary's designated representative and six~~] and eight members, appointed by the [~~governor~~] county, who shall serve terms of five years each [~~provided that the governor's first appointments shall be made of two board members for one-year terms, two for two-year terms, one for a three-year term and one for a four-year term~~]. All intertribal SIRC→Indian←SIRC ceremonial

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SIRC→**association**←SIRC board members shall be bona fide residents of the ~~[state]~~ county or surrounding counties, and at least a majority of the members shall be Native American. A board member shall not be removed during the term of office except for cause, following notice and an opportunity for a hearing."

SECTION 4. Section 9-15C-4 NMSA 1978 (being Laws 2005, Chapter 219, Section 4, as amended) is recompiled as Section 12-16-4 NMSA 1978 and is amended to read:

"12-16-4. INTERTRIBAL SIRC→**INDIAN**←SIRC CEREMONIAL SIRC→**ASSOCIATION**←SIRC FUND CREATED--ADMINISTRATION.--The "intertribal SIRC→**Indian**←SIRC ceremonial SIRC→**association**←SIRC fund" is created in the state treasury. Money appropriated to the fund or accruing to it through sales, gifts, grants, fees, penalties, bequests or any other source shall be delivered to the state treasurer and deposited in the fund. Money in the fund is ~~HAFC→~~**appropriated**~~←HAFC~~ ~~HAFC→~~**subject to appropriation**~~←HAFC~~ to the ~~[office]~~ local government division of the department of finance and administration for the purpose of carrying out the intertribal SIRC→**Indian**←SIRC ceremonial. Money in the fund at the end of any fiscal year shall not revert. Interest and earnings from the fund shall be credited to the fund. Disbursements from the fund shall be made on warrant drawn by the secretary of finance and administration pursuant to vouchers signed by the director or the director's authorized representative."

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SECTION 5. TEMPORARY PROVISION--INTERTRIBAL

SIRC→INDIAN←SIRC CEREMONIAL SIRC→ASSOCIATION←SIRC BOARD MEMBERS.--The terms of office of the members serving on the intertribal SIRC→Indian←SIRC ceremonial SIRC→association←SIRC board on the effective date of this act shall end on July 1, 2023, and new members shall be appointed for a term of office that shall begin on July SIRC→1←SIRC SIRC→2←SIRC , 2023 according to the provisions of Section 12-16-3 NMSA 1978.

SECTION 6. TEMPORARY PROVISION--TRANSFER OF FUNCTIONS, PERSONNEL, MONEY, APPROPRIATIONS, PROPERTY, CONTRACTUAL OBLIGATIONS AND STATUTORY REFERENCES.--

A. On the effective date of this act, all functions, personnel, money, appropriations, records, furniture, equipment, supplies and other property of the intertribal ceremonial office of the tourism department are transferred to the local government division of the department of finance and administration.

B. On the effective date of this act, all contractual obligations of the intertribal ceremonial office of the tourism department are binding on the local government division of the department of finance and administration.

C. On the effective date of this act, all references in law to the intertribal ceremonial office of the tourism department shall be deemed to be references to the intertribal Indian ceremonial association of the local government division of the department of finance and

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administration.

SECTION 7. TEMPORARY PROVISION--RECOMPILATION

INSTRUCTIONS.--Section 9-15C-5 NMSA 1978 (being Laws 2005, Chapter 219, Section 5) is recompiled as Section 12-16-5 NMSA 1978.

H AFC → ~~SECTION 8. APPROPRIATION.--Three hundred thousand dollars (\$300,000) is appropriated from the general fund to the local government division of the department of finance and administration for expenditure in fiscal year 2024 to employ a full-time director to manage and oversee the intertribal Indian ceremonial association and for operational expenses of the association. Any unexpended or unencumbered balance remaining at the end of fiscal year 2024 shall revert to the general fund.~~ ← H AFC

SECTION H AFC → 9. ← H AFC H AFC → 8. ← H AFC EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2023.