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HOUSE BILL 551

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Sandra D. Jeff

AN ACT

RELATING TO EXECUTIVE ORGANIZATION; CONSOLIDATING INDIAN PROGRAMS WITHIN THE INDIAN AFFAIRS DEPARTMENT; AMENDING, REPEALING AND ENACTING SECTIONS OF THE NMSA 1978.

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

SECTION 1. Section 9-21-1 NMSA 1978 (being Laws 2004, Chapter 18, Section 1 and Laws 2004, Chapter 24, Section 1) is amended to read:

"9-21-1. SHORT TITLE.--~~[Sections 1 through 15 of this act]~~ Chapter 9, Article 21 NMSA 1978 may be cited as the "Indian Affairs Department Act"."

SECTION 2. Section 9-21-7 NMSA 1978 (being Laws 2004, Chapter 18, Section 7 and Laws 2004, Chapter 24, Section 7) is amended to read:

"9-21-7. DEPARTMENT--ADDITIONAL POWERS AND DUTIES.--

1 A. The department is the coordinating agency for
2 intergovernmental and interagency programs concerning tribal
3 governments and the state.

4 B. The department shall:

5 (1) investigate, study, consider and act upon
6 the entire subject of Indian conditions and relations within
7 New Mexico, including problems of health, economy and education
8 and the effect of local, state and federal legislative,
9 executive and judicial actions. The department shall
10 collaborate with other state departments or agencies that have
11 an interest or stake in the subject being investigated, studied
12 or considered. In performing its functions, the department
13 shall provide an opportunity for the presentation and exchange
14 of ideas in respect to Indian affairs of the state by all
15 interested persons; and

16 (2) assist in setting the policy, and act as
17 the clearinghouse, for all state programs affecting the Indian
18 people of New Mexico.

19 C. The department may:

20 (1) hold hearings, conduct meetings, make
21 investigations and confer with officials of local, state and
22 federal agencies to secure cooperation between the local,
23 state, federal and Indian tribal governments in the promotion
24 of the welfare of the Indian people of New Mexico;

25 (2) contract with tribal governments, public

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1 agencies or private persons to provide services and facilities
2 for promoting the welfare of the Indian people of New Mexico;
3 and

4 (3) solicit and accept gifts, grants,
5 donations, bequests and devises.

6 D. The department shall assume administrative
7 control of the following state agencies:

8 (1) the office of Indian elder affairs within
9 the office of the secretary of aging and long-term services;

10 (2) the museum of Indian arts and culture
11 division of the cultural affairs department;

12 (3) the office of American Indian health in
13 the department of health;

14 (4) the American Indian post-secondary
15 education division of the higher education department; and

16 (5) the intertribal ceremonial office in the
17 tourism department.

18 E. The American Indian health advisory council
19 shall be administratively attached to the department."

20 SECTION 3. A new section of the Indian Affairs Department
21 Act is enacted to read:

22 "[NEW MATERIAL] INDIAN AFFAIRS ADVISORY COUNCIL--
23 CREATION--DUTIES.--

24 A. The "Indian affairs advisory council" is created
25 and shall advise the secretary concerning issues coming within

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1 the scope of the responsibilities of the department. The
2 council consists of sixteen members as follows:

3 (1) four representatives from the Navajo
4 Nation;

5 (2) two representatives, one from the
6 Mescalero Apache Tribe and one from the Jicarilla Apache
7 Nation;

8 (3) four representatives, two from the
9 southern pueblos and two from the northern pueblos;

10 (4) three urban Indians representing urban
11 areas, including Albuquerque, Gallup and Farmington; and

12 (5) three at-large representatives, one from
13 the federal bureau of Indian affairs, one from a head start
14 organization and one from the general public, at least one of
15 whom shall be nontribal but all of whom shall have knowledge of
16 and involvement in the education of tribal students.

17 B. Members of the Indian affairs advisory council
18 shall be appointed by the secretary with input from New Mexico
19 tribes for staggered terms so that the terms of the at-large
20 members and of one-half of each of the tribal representatives
21 end on December 31, 2011 and the terms of the remaining members
22 end on December 31, 2013. Thereafter, appointments shall be
23 for terms of four years.

24 C. A majority of the members of the Indian affairs
25 advisory council constitutes a quorum. The advisory council

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1 shall elect a chair from its membership.

2 D. On a semiannual basis, representatives from all
3 New Mexico tribes, the office of the governor, the legislature,
4 the secretary and the Indian affairs advisory council shall
5 meet to assist in evaluating, consolidating and coordinating
6 all activities relating to New Mexico's Indian nations, tribes
7 and pueblos.

8 E. Members of the Indian affairs advisory council
9 may receive per diem and mileage as provided for nonsalaried
10 public officers in the Per Diem and Mileage Act."

11 SECTION 4. TEMPORARY PROVISION--TRANSFERS--CONTRACTUAL
12 OBLIGATIONS--STATUTORY REFERENCES.--

13 A. On January 1, 2012, all functions, personnel,
14 appropriations, money, records, furniture, equipment and other
15 property of the following agencies shall be transferred to the
16 Indian affairs department:

17 (1) the office of Indian elder affairs within
18 the office of the secretary of aging and long-term services;

19 (2) the museum of Indian arts and culture
20 division of the cultural affairs department;

21 (3) the office of American Indian health in
22 the department of health;

23 (4) the American Indian post-secondary
24 education division of the higher education department;

25 (5) the intertribal ceremonial office in the

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1 tourism department;

2 (6) the American Indian health advisory
3 council; and

4 (7) the intertribal ceremonial office.

5 B. On January 1, 2012, all references in law to:

6 (1) the office of Indian elder affairs in the
7 office of the secretary of aging and long-term services shall
8 be deemed to be references to the office of Indian elder
9 affairs in the Indian affairs department;

10 (2) the museum of Indian arts and culture
11 division of the cultural affairs department shall be deemed to
12 be references to the museum of Indian arts and culture division
13 of the Indian affairs department;

14 (3) the office of American Indian health in
15 the department of health shall be deemed to be references to
16 the office of American Indian health in the Indian affairs
17 department;

18 (4) the American Indian post-secondary
19 education division of the higher education department shall be
20 deemed to be references to the American Indian post-secondary
21 education division of the Indian affairs department; and

22 (5) the intertribal ceremonial office in the
23 tourism department shall be deemed to be references to the
24 intertribal ceremonial office in the Indian affairs department.

25 C. On January 1, 2012, all contractual obligations

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1 of the office of Indian elder affairs within the office of the
2 secretary of aging and long-term services, the museum of Indian
3 arts and culture division of the cultural affairs department,
4 the office of American Indian health in the department of
5 health, the American Indian post-secondary education division
6 of the higher education department, the intertribal ceremonial
7 office in the tourism department and the American Indian health
8 advisory council shall be transferred to the Indian affairs
9 department.

10 D. The rules of any transferred agency shall remain
11 in effect until repealed or amended by the Indian affairs
12 department.

13 SECTION 5. REPEAL.--Sections 9-21-13 and 9-21-14 NMSA
14 1978 (being Laws 2004, Chapter 18, Section 13 and Laws 2004,
15 Chapter 24, Section 13; and Laws 2004, Chapter 18, Section 14
16 and Laws 2004, Chapter 24, Section 14) are repealed.

17 SECTION 6. EFFECTIVE DATE.--The effective date of the
18 provisions of this act is January 1, 2012.

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