

AN ACT

RELATING TO INDIAN AFFAIRS; ADDING THE SECRETARY OF TOURISM TO THE INTERTRIBAL CEREMONIAL BOARD; DECLARING AN EMERGENCY.

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

Section 1. Section 9-15C-1 NMSA 1978 (being Laws 2005, Chapter 219, Section 1) is amended to read:

"9-15C-1. SHORT TITLE.--Chapter 9, Article 15C NMSA 1978 may be cited as the "Intertribal Ceremonial Act"."

Section 2. Section 9-15C-2 NMSA 1978 (being Laws 2005, Chapter 219, Section 2) is amended to read:

"9-15C-2. DEFINITIONS.--As used in the Intertribal Ceremonial Act:

- A. "department" means the tourism department;
- B. "director" means the director of the intertribal ceremonial office;
- C. "fund" means the intertribal ceremonial 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) is amended to read:

"9-15C-3. INTERTRIBAL CEREMONIAL OFFICE CREATED--POWERS AND DUTIES.--

- A. The "intertribal ceremonial office" is created.

The office is administratively attached to the department.

B. The governor shall appoint a director, who shall serve at the pleasure of the governor. 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 to establish steady funding for the intertribal ceremonial;
- (2) supervise the activities of the office;
- (3) work with the department to promote the intertribal ceremonial; and
- (4) prepare an annual budget and an annual report on the activities of the office.

D. The office shall:

- (1) administer an annual intertribal ceremonial;
- (2) cooperate with and assist public and private entities that seek to promote recognition of ceremonies significant to Indian tribes and pueblos;
- (3) function as the coordinating office for all services and activities pertaining to the intertribal ceremonial;
- (4) adopt rules in accordance with the State Rules Act to carry out the duties of the office;
- (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 may consider proper for the conduct of the intertribal ceremonial and not otherwise prohibited by law.

E. The "intertribal ceremonial board" is created. The board shall consist of eight members, including the director, who shall serve ex officio, the secretary or the secretary's designated representative and six members, appointed by the governor, 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 ceremonial board members shall be bona fide residents of the state, 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) is amended to read:

"9-15C-4. FUND CREATED--ADMINISTRATION.--The

"intertribal ceremonial 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 appropriated to the office for the purpose of carrying out the intertribal 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."

Section 5. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

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