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HOUSE JOINT MEMORIAL 1
47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006

INTRODUCED BY
Ray Begaye

FOR THE INDIAN AFFAIRS COMMITTEE

A JOINT MEMORIAL
REQUESTING THE INDIAN AFFAIRS DEPARTMENT TO DRAFT A PROTOCOL
AND PROMULGATE RULES FOR CONSULTATION WITH TRIBAL ENTITIES.

WHEREAS, the state of New Mexico and Indian nations,
tribes and pueblos within New Mexico recognize and respect each
other's sovereignty; and

WHEREAS, the constitution of New Mexico recognizes the
sovereign authority of Indian nations, tribes and pueblos under
Article 21, Section 2; and

WHEREAS, the governor has issued Executive Orders Nos.
2005-003 and 2005-004 directing the development of a tribal
consultation policy and the adoption of pilot tribal
consultation plans; and

WHEREAS, the interim Indian affairs committee has heard
testimony during the 2005 interim that consultation between
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1 federal, state and local governments and tribal entities
2 regarding certain projects has not been meaningful; and

3 WHEREAS, in recent cases before the cultural properties
4 review committee of the cultural affairs department, project
5 proponents have been required to engage in further consultation
6 with tribal entities regarding the impact of those projects on
7 lands sacred to those tribal entities; and

8 WHEREAS, without clear guidelines, any required
9 consultation between federal, state and local governments and
10 tribal entities on issues of mutual importance can be
11 perfunctory and meaningless; and

12 WHEREAS, the development of a protocol for meaningful
13 consultation between federal, state and local governments and
14 tribal entities and implementation of that protocol by rules
15 promulgated by the Indian affairs department could serve as a
16 useful guide to the process of meaningful consultation with
17 tribal entities;

18 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
19 STATE OF NEW MEXICO that the Indian affairs department be
20 requested to draft a protocol for meaningful consultation
21 between federal, state and local governments and tribal
22 entities and implement that protocol through the promulgation
23 of appropriate rules, which protocol will provide guidelines
24 for a process of meaningful consultation with tribal entities;
25 and

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