

HOUSE CONSUMER AND PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR

HOUSE JOINT MEMORIAL 60

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

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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

WHEREAS, also in February 2005, Governor Bill Richardson by executive order required eight state agencies to develop tribal consultation polices on the protection of sacred places and repatriation; and

WHEREAS, in 2003, Governor Bill Richardson entered into agreement on a statement of principles and process, agreed to by the nineteen pueblos, the Navajo Nation and the Mescalero

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1 Apache Tribe, that called for an "open-door policy" for voicing
2 concerns and committed to legislative and administrative
3 consultation prior to action affecting tribal governments; and

4 WHEREAS, in 1996, former Governor Gary Johnson entered
5 into a statement of principles and policy with tribal
6 governments and aspired to government-to-government
7 relationships dedicated to open communications "based on mutual
8 respect"; and

9 WHEREAS, the public regulation commission seeks to
10 cooperate with tribal governments on topics over which the
11 commission has jurisdiction and to conduct joint
12 investigations, hold joint hearings and issue joint or
13 concurrent orders with tribal governments;

14 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
15 STATE OF NEW MEXICO that the public regulation commission be
16 respectfully requested to develop a tribal consultation plan or
17 protocol in conjunction with the Indian affairs department for
18 interactions with tribal governments, setting forth procedures
19 and principles for interactions that are respectful and
20 effective and that encourage good communication and foster good
21 relationships; and

22 BE IT FURTHER RESOLVED that the public regulation
23 commission report to the interim legislative Indian affairs
24 committee during the 2006 interim, presenting at that time the
25 tribal consultation plan or protocol developed and adopted by
the commission in conjunction with the Indian affairs
department that ensures respectful, effective interactions
between the commission and the Indian nations, tribes and
pueblos and that encourages good communication and fosters good
relationships; and

BE IT FURTHER RESOLVED that copies of this memorial be
transmitted to the governors of all of the pueblos in New

1 Mexico, the presidents of the Navajo Nation and the Mescalero
2 Apache Tribe, the commissioners of the public regulation
3 commission and the secretary of Indian affairs.

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