

1 A MEMORIAL

2 REQUESTING THAT STATE AGENCIES IN COLLABORATION WITH TRIBAL
3 ADVISORY GROUPS DEVELOP FINDINGS AND RECOMMENDATIONS FOR
4 POLICY AND LEGISLATIVE CONSIDERATIONS IN THE AREAS OF
5 EDUCATION, HEALTH, SOCIAL WELFARE, BEHAVIORAL HEALTH AND
6 OTHER ESSENTIAL SERVICES TO BETTER MEET THE NEEDS OF NEW
7 MEXICO'S TRIBAL COMMUNITIES.

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9 WHEREAS, New Mexico is home to twenty-three sovereign
10 Indian nations, tribes and pueblos that represent nearly
11 twelve percent of the population and land base; and

12 WHEREAS, there is a long-established doctrine of federal
13 trust responsibility as a legal obligation under which the
14 United States has charged itself with moral obligations of
15 the highest responsibility and trust toward Indian tribes and
16 nations; and

17 WHEREAS, this federal Indian trust responsibility has
18 since its inception resulted in the development of a
19 framework based on government-to-government principles with
20 appropriations flowing from federal agencies to tribal
21 governments to fulfill federal trust obligations; and

22 WHEREAS, beginning in the 1980s under the Reagan
23 administration and the introduction of "new federalism", the
24 federal government granted block grants to states to enable
25 state governments to spend money at their own discretion, and

1 in the process, the federal government transferred resources
2 previously provided to the tribes directly to states; and

3 WHEREAS, this shift forced states and tribes to redefine
4 their relationships to provide the necessary resources to
5 support Native Americans in a new configuration of how
6 resources flowed and how services were delivered; and

7 WHEREAS, New Mexico has become a national model in the
8 development of a statutory framework defining state-tribal
9 relations built on government-to-government principles
10 consistent with the federal framework and for the
11 interactions between federal, state and tribal agencies in
12 the delivery of services to jointly implement the trust
13 obligations; and

14 WHEREAS, in 2009, the New Mexico legislature passed a
15 landmark bill, the State-Tribal Collaboration Act, which was
16 signed into law and which promoted and strengthened the
17 relationships and furthered the commitments between the
18 twenty-three sovereign nations and the state, and which
19 provided greater consistency across all cabinet-level state
20 agencies to work with tribes and ensure that state-tribal
21 relations remained a priority and that the implementation of
22 programs and the flow of resources were done on an equitable
23 basis; and

24 WHEREAS, the New Mexico legislature has for many years
25 created the interim Indian affairs committee to provide a

1 forum for interaction of stakeholders across the spectrum of
2 issues, challenges and best practices; and

3 WHEREAS, the legislature has a desire to hear from
4 stakeholders across the spectrum on major areas of priority
5 and to receive a thorough assessment and evaluation of the
6 flow of resources through the state to provide services to
7 Native Americans and tribal communities to assess how
8 agencies and stakeholders can collectively improve the use of
9 resources and strengthen the delivery system; and

10 WHEREAS, the interim legislative committee focused on
11 Indian affairs should be informed as to the added
12 complexities created by the use of flow-through funds and the
13 potential impact proposal by the current presidential
14 administration, for reductions in appropriations for
15 education, health, social welfare, behavioral health and
16 other essential services; and

17 WHEREAS, within Native American communities, suicide
18 issues continue to escalate, social welfare issues affecting
19 children, youth and families are increasing and these issues
20 strain tribal and state judicial systems; and

21 WHEREAS, with minimal treatment facilities available,
22 behavioral health and mental health challenges are becoming
23 epidemic, and there is growing concern that the current
24 managed care organizations lack outreach and institutional
25 capacity, resulting in the under-utilization of available

1 resources; and

2 WHEREAS, the overall educational achievement of Native
3 American students reveals a failure of the educational system
4 at all levels and critical infrastructure investment needs,
5 such as for tribal libraries to provide access to modern
6 information technology and inequities in funding for the
7 elderly;

8 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
9 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the New
10 Mexico clearinghouse for Native American suicide prevention,
11 the center for Native American health, the New Mexico Indian
12 Title VI coalition at the Indian area agency on aging, the
13 southwest Indian law clinic, the American Indian language
14 policy research and teacher training center, the institute
15 for indigenous knowledge and development, the tribal
16 libraries program, the Indian education advisory council, the
17 New Mexico tribal Indian child welfare social workers
18 consortium at the Corrine Wolfe children's law center, Tewa
19 women united and the tribal-state judicial consortium be
20 requested to work together to develop findings and
21 recommendations for policy and legislative considerations in
22 the areas of education, health, social welfare, behavioral
23 health and other essential services to better meet the needs
24 of New Mexico's tribal communities to be brought before the
25 interim legislative committee focused on Indian affairs; and

1 BE IT FURTHER RESOLVED that copies of this memorial be
2 transmitted to the New Mexico clearinghouse for Native
3 American suicide prevention, the center for Native American
4 health, the New Mexico Indian Title VI coalition at the Indian
5 area agency on aging, the southwest Indian law clinic, the
6 American Indian language policy research and teacher training
7 center, the institute for indigenous knowledge and
8 development, the tribal libraries program, the Indian
9 education advisory council, the New Mexico tribal Indian child
10 welfare social workers consortium at the Corrine Wolfe
11 children's law center, Tewa women united and the tribal-state
12 judicial consortium.

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