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SENATE BILL 726

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Leonard Tsosie

AN ACT

RELATING TO INDIAN AFFAIRS; REORGANIZING THE NEW MEXICO OFFICE OF INDIAN AFFAIRS; CREATING THE COMMISSION ON INDIAN AFFAIRS AND OFFICES OF INDIAN AFFAIRS; AMENDING AND ENACTING CERTAIN SECTIONS OF THE NMSA 1978.

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

Section 1. Section 28-12-4 NMSA 1978 (being Laws 1975 (S.S.), Chapter 11, Section 1) is amended to read:

"28-12-4. [~~NEW MEXICO OFFICE OF~~] COMMISSION ON INDIAN AFFAIRS CREATED - - MEMBERSHIP - - TERMS - - VACANCIES. - -

~~[A. There is created as an agency of New Mexico a commission to be known as the "New Mexico office of Indian affairs", hereinafter called the "commission"]~~

A. The "commission on Indian affairs" is created.

It is administratively attached to the human services

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1 department.

2 B. ~~[Members of the commission shall be appointed~~  
3 ~~by the governor for staggered terms of four years, with the~~  
4 ~~initial commission to be composed of three members appointed~~  
5 ~~for terms ending on June 30, 1976, three members appointed for~~  
6 ~~terms ending on June 30, 1978 and four members appointed for~~  
7 ~~terms ending on June 30, 1980. Thereafter]~~ Members of the  
8 commission shall be appointed for terms of four years or less  
9 and shall be appointed in such a manner that the terms of  
10 three members expire on June 30 of each even-numbered year.  
11 Vacancies shall be filled by appointment of the governor for  
12 the unexpired term [~~and such~~]. Appointments to fill vacancies  
13 [~~or to succeed a member whose term has expired and, in the~~  
14 ~~case of an Indian member, shall be made from the same Indian~~  
15 ~~tribe or pueblo council that their predecessors were appointed~~  
16 ~~from. At the time of making the appointment]~~ shall maintain  
17 the balance of membership prescribed by this section. The  
18 governor shall designate the chairman.

19 C. Members of the commission shall be residents of  
20 New Mexico [~~and shall consist of three Pueblo Indians, three~~  
21 ~~Navajo Indians, two Apache Indians, and may be appointed by~~  
22 ~~the governor from lists of names submitted by the all Indian~~  
23 ~~pueblo council, the Jicarilla and Mescalero tribal councils~~  
24 ~~and the eastern Navajo tribal council, and two non-Indians].~~  
25 The commission shall have ten members appointed by the

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1 governor. Three members shall be members of pueblos chosen  
2 from suggestion submitted to the governor by the pueblo  
3 councils of the nineteen pueblos in the state. One member  
4 shall represent the eight northern pueblos, one member shall  
5 represent the seven pueblos located in Sandoval county and one  
6 member shall represent the remaining four pueblos. Three  
7 members shall be members of the Navajo nation chosen from  
8 suggestions submitted to the governor by the president of the  
9 Navajo nation. There shall be a member each appointed from  
10 the eastern Navajo agency, the Shiprock agency and the Fort  
11 Defiance agency. No two appointments made from the Navajo  
12 nation may be from the same agency. One member shall be  
13 appointed from the Mescalero Apache tribe and one member shall  
14 be appointed from the Jicarilla Apache tribe. The final two  
15 members shall be a Native American representing the urban  
16 Indian population in New Mexico and a non-Indian.

17 D. When a member of the commission fails to carry  
18 out the duties of his office, any five commission members  
19 [~~shall~~] may recommend to the governor the removal and  
20 replacement of [~~such~~] that member.

21 E. As used in this section, "commission" means the  
22 commission on Indian affairs. "

23 Section 2. Section 28-12-6 NMSA 1978 (being Laws 1955,  
24 Chapter 162, Section 3, as amended) is amended to read:

25 "28-12-6. ORGANIZATION OF COMMISSION-- OFFICERS--

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1 MEETINGS-- EXECUTIVE DIRECTOR. -- The commission shall organize  
2 by the election of a vice chairman and a secretary and by the  
3 adoption of rules and regulations pertinent to the conduct of  
4 the business of the commission. A record shall be kept of all  
5 proceedings and transactions. The commission shall meet at  
6 least once each quarter at [~~such~~] a time and place [~~as may be~~]  
7 determined by the commission and shall hold [~~such~~] other  
8 meetings as may be called by the chairman. A majority of the  
9 commission membership [~~shall constitute~~] constitutes a quorum.  
10 The commission shall appoint an executive director [~~who shall~~  
11 ~~act as the administrative officer of the commission~~] of the  
12 office of Navajo affairs, an executive director of the office  
13 of Apache affairs and an executive director of the office of  
14 Pueblo affairs. The executive directors shall administer  
15 their offices pursuant to direction from the commission and  
16 shall provide all staffing necessary for the commission. The  
17 commission shall set the rates of compensation for the  
18 executive directors. "

19 Section 3. [NEW MATERIAL] OFFICES OF INDIAN AFFAIRS  
20 CREATED. -- The "office of Navajo affairs", the "office of  
21 Apache affairs" and the "office of Pueblo affairs" are created  
22 and are administratively attached to the human services  
23 department. These offices shall perform the duties assigned  
24 to them by law or delegated to them by the commission.

25 Section 4. [NEW MATERIAL] OFFICE OF NAVAJO AFFAIRS--

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1 DUTIES. --The office of Navajo affairs shall:

2 A. act as liaison between the state and the Navajo  
3 nation;

4 B. administer the capital improvement and program  
5 funds appropriated to it for capital improvements within  
6 subdivisions of the Navajo nation in New Mexico;

7 C. act as staff to the commission on Indian  
8 affairs;

9 D. provide information to the legislature as  
10 requested;

11 E. assist the Navajo nation, when requested, to  
12 present matters of concern to the legislature or agencies of  
13 the executive branch to be resolved by informal discussion  
14 with an agency, formal action by an agency or by legislative  
15 action; and

16 F. carry out the duties delegated to it by the  
17 commission on Indian affairs.

18 Section 5. [NEW MATERIAL] OFFICE OF APACHE AFFAIRS--

19 DUTIES. --The office of Apache affairs shall:

20 A. act as liaison between the state and the two  
21 Apache tribes in New Mexico;

22 B. administer the capital improvement and program  
23 funds appropriated to it for capital improvements within the  
24 Mescalero and Jicarilla Apache tribes;

25 C. act as staff to the commission on Indian

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1 affairs;

2 D. provide information to the legislature as  
3 requested;

4 E. assist the Jicarilla Apache tribe and the  
5 Mescalero Apache tribe, when requested, to present matters of  
6 concern to the legislature or agencies of the executive branch  
7 to be resolved by informal discussion with an agency, formal  
8 action by an agency or by legislative action; and

9 F. carry out the duties delegated to it by the  
10 commission on Indian affairs.

11 Section 6. OFFICE OF PUEBLO AFFAIRS--DUTIES. --The office  
12 of Pueblo affairs shall:

13 A. act as liaison between the state and the  
14 nineteen pueblos in New Mexico;

15 B. administer the capital improvements and program  
16 funds appropriated to it for capital improvements within the  
17 pueblos;

18 C. act as staff to the commission on Indian  
19 affairs;

20 D. provide information to the legislature as  
21 requested;

22 E. assist the pueblos, when requested, to present  
23 matters of concern to the legislature or agencies of the  
24 executive branch to be resolved by informal discussion with an  
25 agency, formal action by an agency or by legislative action;

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1 and

2 F. carry out the duties delegated to it by the  
3 commission on Indian affairs.

4 Section 7. EFFECTIVE DATE. --The effective date of the  
5 provisions of this act is July 1, 1999.

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1 FORTY-FOURTH LEGISLATURE

SB 726/a

2 FIRST SESSION, 1999

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6 February 25, 1999

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8 Mr. President:

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10 Your INDIAN & CULTURAL AFFAIRS COMMITTEE, to whom has  
11 been referred

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13 SENATE BILL 726

14  
15 has had it under consideration and reports same WITHOUT  
16 RECOMMENDATION, amended as follows:

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18  
19 1. On page 1, line 12, after the second occurrence of "AFFAIRS"  
20 insert a semicolon.

21  
22 2. On page 1, line 13, strike "AND OFFICES" and insert in lieu  
23 thereof "REORGANIZING THE OFFICE".



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3. On page 3, line 21, strike "this section" and insert in lieu thereof Chapter 28, Article 12 NMSA 1978".

4. On page 4, lines 10 and 11, remove the brackets and lines through and on lines 11 through 18, strike the underscored language.

5. On pages 4 through 7, strike Sections 3 through 6 in their entirety and insert the following:

"Section 3. [NEW MATERIAL] NEW MEXICO OFFICE OF INDIAN AFFAIRS--  
DEPUTY DIRECTORS-- FIELD OFFICES-- DUTIES. --

A. The New Mexico office of Indian affairs shall provide staff to the commission.

B. The executive director of the office shall employ three deputy directors.

C. The executive director shall establish a field office in a location convenient to the members of the Navajo nation living in New Mexico, in a community within the Navajo nation if possible. That

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field office may be known as the "Navajo affairs field office". The executive director shall appoint one of his deputy directors to manage the Navajo affairs field office.

D. The executive director shall establish a field office in Santa Fe or Albuquerque, after consultation with the leadership of the pueblos, that may be known as the "pueblo affairs field office". The executive director shall appoint one of his deputy directors to manage the pueblo affairs field office.

E. The executive director shall establish a field office that may be known as the "Apache affairs field office", in Santa Fe or Albuquerque or at another more convenient location after consultation with the leadership of the Mescalero Apache tribe and the Jicarilla Apache tribe. The executive director shall appoint one of his deputy directors to manage the Apache affairs field office.

F. The deputy directors shall:

(1) act as liaisons between the Native American community that they are serving and the state when requested to do so

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by an Indian nation, tribe or pueblo or by an individual Native American that requires help in receiving benefits from a state agency;

(2) administer capital or other projects assigned to it by the executive director;

(3) perform services for the commission as required by the executive director;

(4) provide information and assistance to members of the legislature when requested by a legislator;

(5) provide assistance to Native Americans and tribal governments within the state upon request to the extent possible;

(6) identify issues of legislative concern or that may require legislation and inform the legislature about those issues; and

(7) carry out the duties delegated by the commission to

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the field offices and deputy directors.

G. Each field office shall provide service to any Native American who seeks service at the office to the greatest extent possible. "

6. Renumber the succeeding section accordingly.

and thence referred to the PUBLIC AFFAIRS COMMITTEE.

Respectfully submitted,

\_\_\_\_\_  
John Pinto, Chairman

Adopted \_\_\_\_\_

Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

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Date \_\_\_\_\_

The roll call vote was 4 For 2 Against

Yes: 4

No: Davis, McSorley

Excused: Vernon

Absent: None

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