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AN ACT

RELATING TO GOVERNMENTAL AFFAIRS; ENACTING THE STATE-TRIBAL
COLLABORATION ACT; REQUIRING STATE-TRIBAL COLLABORATION AND
COMMUNICATION; DECLARING AN EMERGENCY.

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

Section 1. SHORT TITLE.--This act may be cited as the
"State-Tribal Collaboration Act".

Section 2. DEFINITIONS.--As used in the State-Tribal
Collaboration Act:

A. "American Indian or Alaska Native" means:

- (1) individuals who are members of any
federally recognized Indian tribe, nation or pueblo;
- (2) individuals who would meet the
definition of "Indian" pursuant to 18 USC 1153; or
- (3) individuals who have been deemed
eligible for services and programs provided to American
Indians and Alaska Natives by the United States public health
service, the bureau of Indian affairs or other federal
programs;

B. "Indian nation, tribe or pueblo" means any
federally recognized Indian nation, tribe or pueblo located
wholly or partially in New Mexico; and

C. "state agency" means an agency, department or
office of the state of New Mexico that is cabinet-level.

1 Section 3. COLLABORATION WITH INDIAN NATIONS, TRIBES OR
2 PUEBLOS.--

3 A. By December 31, 2009, every state agency shall
4 develop and implement a policy that:

5 (1) promotes effective communication and
6 collaboration between the state agency and Indian nations,
7 tribes or pueblos;

8 (2) promotes positive
9 government-to-government relations between the state and
10 Indian nations, tribes or pueblos;

11 (3) promotes cultural competency in
12 providing effective services to American Indians or Alaska
13 Natives; and

14 (4) establishes a method for notifying
15 employees of the state agency of the provisions of the
16 State-Tribal Collaboration Act and the policy that the state
17 agency adopts pursuant to this section.

18 B. In the process of developing the policy set
19 forth in Subsection A of this section, state agencies shall
20 consult with representatives designated by the Indian
21 nations, tribes or pueblos.

22 C. A state agency shall make a reasonable effort
23 to collaborate with Indian nations, tribes or pueblos in the
24 development and implementation of policies, agreements and
25 programs of the state agency that directly affect American

1 Indians or Alaska Natives.

2 D. The Indian affairs department shall maintain
3 for public reference an updated list of the names and contact
4 information for the chief executives of the Indian nations,
5 tribes or pueblos and for the state agency tribal liaisons.

6 E. Every state agency shall designate a tribal
7 liaison, who reports directly to the office of the head of
8 the state agency, to:

9 (1) assist the head of the state agency with
10 developing and ensuring the implementation of the policy as
11 set forth in Subsection A of this section;

12 (2) serve as a contact person who shall
13 maintain ongoing communication between the state agency and
14 affected Indian nations, tribes or pueblos; and

15 (3) ensure that training is provided to the
16 staff of the state agency as set forth in Subsection B of
17 Section 4 of the State-Tribal Collaboration Act. Nothing in
18 this subsection shall preclude tribal liaisons from providing
19 or facilitating additional training.

20 Section 4. ANNUAL SUMMIT--TRAINING OF STATE EMPLOYEES--
21 ANNUAL REPORTS.--

22 A. At least once a year, during the third quarter
23 of the state's fiscal year, the governor shall meet with the
24 leaders of Indian nations, tribes and pueblos in a
25 state-tribal summit to address issues of mutual concern.

1 B. All state agency managers and employees who
2 have ongoing communication with Indian nations, tribes or
3 pueblos shall complete a training provided by the state
4 personnel office with assistance from the Indian affairs
5 department, which training supports:

6 (1) the promotion of effective communication
7 and collaboration between state agencies and Indian nations,
8 tribes or pueblos;

9 (2) the development of positive state-tribal
10 government-to-government relations; and

11 (3) cultural competency in providing
12 effective services to American Indians or Alaska Natives.

13 C. No later than July 31 of every year, a state
14 agency shall submit a report to the Indian affairs department
15 on the activities of the state agency pursuant to the
16 State-Tribal Collaboration Act, and the Indian affairs
17 department shall compile all such reports for submittal to
18 the governor and to the legislature. The report shall
19 include:

20 (1) the policy the state agency adopted
21 pursuant to the State-Tribal Collaboration Act;

22 (2) the names of and contact information for
23 the individuals in the state agency who are responsible for
24 developing and implementing programs of the state agency that
25 directly affect American Indians or Alaska Natives;

1 (3) the current and planned efforts of the
2 state agency to implement the policy set forth in Subsection
3 A of Section 3 of the State-Tribal Collaboration Act;

4 (4) a certification by the state personnel
5 office of the number of managers and employees of each state
6 agency who have completed the training required by Subsection
7 B of this section;

8 (5) a description of current and planned
9 programs and services provided to or directly affecting
10 American Indians or Alaska Natives and the amount of funding
11 for each program; and

12 (6) the method the state agency established
13 for notifying employees of the state agency of the provisions
14 of the State-Tribal Collaboration Act.

15 Section 5. RIGHT OF ACTION.--Nothing in the
16 State-Tribal Collaboration Act creates a right of action
17 against a state agency or a right of review of an action of a
18 state agency.

19 Section 6. SEVERABILITY.--If any part or application of
20 this act is held invalid, the remainder or its application to
21 other situations or persons shall not be affected.

22 Section 7. EMERGENCY.--It is necessary for the public
23 peace, health and safety that this act take effect
24 immediately.
