

ARTICLE 18

State-Tribal Collaboration Act

11-18-1. Short title.

This act may be cited as the "State-Tribal Collaboration Act".

History: [Laws 2009, ch. 15, § 1.](#)

ANNOTATIONS

Emergency clauses. — [Laws 2009, ch. 15, § 7](#) contained an emergency clause and was approved March 19, 2009.

Severability. — [Laws 2009, ch. 15, § 6](#) provided for the severability of the act if any part or application thereof is held invalid.

11-18-2. 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.

History: Laws 2009, ch. 15, § 2.

ANNOTATIONS

Emergency clauses. — Laws 2009, ch. 15, § 7 contained an emergency clause and was approved March 19, 2009.

Severability. — Laws 2009, ch. 15, § 6 provided for the severability of the act if any part or application thereof is held invalid.

11-18-3. Collaboration with Indian nations, tribes or pueblos.

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

- (1) promotes effective communication and collaboration between the state agency and Indian nations, tribes or pueblos;
- (2) promotes positive government-to-government relations between the state and Indian nations, tribes or pueblos;
- (3) promotes cultural competency in providing effective services to American Indians or Alaska Natives; and
- (4) establishes a method for notifying employees of the state agency of the provisions of the State-Tribal Collaboration Act and the policy that the state agency adopts pursuant to this section.

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

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

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

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

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

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

(3) ensure that training is provided to the staff of the state agency as set forth in Subsection B of Section 4 [11-18-4 NMSA 1978] of the State-Tribal Collaboration Act. Nothing in this subsection shall preclude tribal liaisons from providing or facilitating additional training.

History: Laws 2009, ch. 15, § 3.

ANNOTATIONS

Emergency clauses. — Laws 2009, ch. 15, § 7 contained an emergency clause and was approved March 19, 2009.

Severability. — Laws 2009, ch. 15, § 6 provided for the severability of the act if any part or application thereof is held invalid.

11-18-4. Annual summit; training of state employees; annual reports.

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

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

- (1) the promotion of effective communication and collaboration between state agencies and Indian nations, tribes or pueblos;
- (2) the development of positive state-tribal government-to-government relations; and
- (3) cultural competency in providing effective services to American Indians or Alaska Natives.

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

- (1) the policy the state agency adopted pursuant to the State-Tribal Collaboration Act;
- (2) the names of and contact information for the individuals in the state agency who are responsible for developing and implementing programs of the state agency that directly affect American Indians or Alaska Natives;

(3) the current and planned efforts of the state agency to implement the policy set forth in Subsection A of Section 3 [11-18-3 NMSA 1978] of the State-Tribal Collaboration Act;

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

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

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

History: Laws 2009, ch. 15, § 4.

ANNOTATIONS

Emergency clauses. — Laws 2009, ch. 15, § 7 contained an emergency clause and was approved March 19, 2009.

Severability. — Laws 2009, ch. 15, § 6 provided for the severability of the act if any part or application thereof is held invalid.

11-18-5. Right of action.

Nothing in the State-Tribal Collaboration Act creates a right of action against a state agency or a right of review of an action of a state agency.

History: Laws 2009, ch. 15, § 5.

ANNOTATIONS

Emergency clauses. — Laws 2009, ch. 15, § 7 contained an emergency clause and was approved March 19, 2009.

Severability. — Laws 2009, ch. 15, § 6 provided for the severability of the act if any part or application thereof is held invalid.