

1 HOUSE BILL 161

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 D. Wonda Johnson

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9  
10 AN ACT

11 RELATING TO INDIAN AFFAIRS; MOVING THE INTERTRIBAL CEREMONIAL  
12 OFFICE TO THE LOCAL GOVERNMENT DIVISION OF THE DEPARTMENT OF  
13 FINANCE AND ADMINISTRATION; RENAMING THE INTERTRIBAL CEREMONIAL  
14 OFFICE AS THE INTERTRIBAL INDIAN CEREMONIAL ASSOCIATION;  
15 AMENDING AND RECOMPILING SECTIONS OF THE NMSA 1978; MAKING AN  
16 APPROPRIATION.

17  
18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

19 SECTION 1. Section 9-15C-1 NMSA 1978 (being Laws 2005,  
20 Chapter 219, Section 1, as amended) is recompiled as Section  
21 12-16-1 NMSA 1978 and is amended to read:

22 "12-16-1. SHORT TITLE.--~~[Chapter 9, Article 15C]~~ Chapter  
23 12, Article 16 NMSA 1978 may be cited as the "Intertribal  
24 Ceremonial Act"."

25 SECTION 2. Section 9-15C-2 NMSA 1978 (being Laws 2005,

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1 Chapter 219, Section 2, as amended) is recompiled as Section  
2 12-16-2 NMSA 1978 and is amended to read:

3 "12-16-2. DEFINITIONS.--As used in the Intertribal  
4 Ceremonial Act:

5 ~~[A. "department" means the tourism department;]~~

6 A. "association" means the intertribal Indian  
7 ceremonial association;

8 B. "county" means the governing body of McKinley  
9 county;

10 ~~[B.]~~ C. "director" means the director of the  
11 ~~[intertribal ceremonial office]~~ association; and

12 ~~[C.]~~ D. "fund" means the intertribal ceremonial  
13 fund

14 ~~[D. "office" means the intertribal ceremonial~~  
15 ~~office; and~~

16 ~~E. "secretary" means the secretary of tourism]."~~

17 SECTION 3. Section 9-15C-3 NMSA 1978 (being Laws 2005,  
18 Chapter 219, Section 3, as amended) is recompiled as Section  
19 12-16-3 NMSA 1978 and is amended to read:

20 "12-16-3. INTERTRIBAL INDIAN CEREMONIAL [~~OFFICE~~]  
21 ASSOCIATION CREATED--POWERS AND DUTIES--INTERTRIBAL CEREMONIAL  
22 BOARD CREATED.--

23 A. The "intertribal Indian ceremonial [~~office~~]  
24 association" is created. The [~~office~~] association is  
25 administratively attached to the [~~department~~] local government

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1 division of the department of finance and administration.

2 B. The ~~[governor]~~ county shall appoint a director,  
3 who shall serve at the pleasure of the ~~[governor]~~ county. The  
4 director shall hire and terminate other necessary employees,  
5 who shall be subject to the provisions of the Personnel Act.

6 C. The director shall:

7 (1) work with ~~[the department]~~ private, local,  
8 state and federal entities to establish steady funding for the  
9 intertribal ceremonial;

10 (2) supervise the activities of the ~~[office]~~  
11 association;

12 (3) work with the ~~[department]~~ county to  
13 promote the intertribal ceremonial; and

14 (4) prepare an annual budget and an annual  
15 report on the activities of the ~~[office]~~ association.

16 D. The ~~[office]~~ association shall:

17 (1) administer an annual intertribal  
18 ceremonial;

19 (2) cooperate with and assist public and  
20 private entities that seek to promote recognition of ceremonies  
21 significant to Indian nations, tribes and pueblos;

22 (3) function as the coordinating ~~[office]~~  
23 association for all services and activities pertaining to the  
24 intertribal ceremonial;

25 (4) adopt rules in accordance with the State

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1 Rules Act to carry out the duties of the [~~office~~] association;

2 (5) accept gifts, grants, donations, bequests  
3 and devises from any source to be used to carry out its duties;

4 (6) enter into contracts; and

5 (7) charge admission, parking and concessions  
6 fees, give prizes and premiums, create sponsorships and other  
7 forms of advertising, arrange entertainments and do all things  
8 the [~~office~~] association may consider proper for the conduct of  
9 the intertribal ceremonial and not otherwise prohibited by law.

10 E. The "intertribal ceremonial board" is created.  
11 The board shall consist of [~~eight~~] nine members, including the  
12 director, who shall serve ex officio, [~~the secretary or the~~  
13 ~~secretary's designated representative and six~~] and eight  
14 members, appointed by the [~~governor~~] county, who shall serve  
15 terms of five years each [~~provided that the governor's first~~  
16 ~~appointments shall be made of two board members for one-year~~  
17 ~~terms, two for two-year terms, one for a three-year term and~~  
18 ~~one for a four-year term~~]. All intertribal ceremonial board  
19 members shall be bona fide residents of the [~~state~~] county or  
20 surrounding counties, and at least a majority of the members  
21 shall be Native American. A board member shall not be removed  
22 during the term of office except for cause, following notice  
23 and an opportunity for a hearing."

24 SECTION 4. Section 9-15C-4 NMSA 1978 (being Laws 2005,  
25 Chapter 219, Section 4, as amended) is recompiled as Section  
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1 12-16-4 NMSA 1978 and is amended to read:

2 "12-16-4. INTERTRIBAL CEREMONIAL FUND CREATED--  
3 ADMINISTRATION.--The "intertribal ceremonial fund" is created  
4 in the state treasury. Money appropriated to the fund or  
5 accruing to it through sales, gifts, grants, fees, penalties,  
6 bequests or any other source shall be delivered to the state  
7 treasurer and deposited in the fund. Money in the fund is  
8 appropriated to the ~~[office]~~ local government division of the  
9 department of finance and administration for the purpose of  
10 carrying out the intertribal ceremonial. Money in the fund at  
11 the end of any fiscal year shall not revert. Interest and  
12 earnings from the fund shall be credited to the fund.  
13 Disbursements from the fund shall be made on warrant drawn by  
14 the secretary of finance and administration pursuant to  
15 vouchers signed by the director or the director's authorized  
16 representative."

17 SECTION 5. TEMPORARY PROVISION--INTERTRIBAL CEREMONIAL  
18 BOARD MEMBERS.--The terms of office of the members serving on  
19 the intertribal ceremonial board on the effective date of this  
20 act shall end on July 1, 2023, and new members shall be  
21 appointed for a term of office that shall begin on July 1, 2023  
22 according to the provisions of Section 12-16-3 NMSA 1978.

23 SECTION 6. TEMPORARY PROVISION--TRANSFER OF FUNCTIONS,  
24 PERSONNEL, MONEY, APPROPRIATIONS, PROPERTY, CONTRACTUAL  
25 OBLIGATIONS AND STATUTORY REFERENCES.--

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1           A. On the effective date of this act, all  
2 functions, personnel, money, appropriations, records,  
3 furniture, equipment, supplies and other property of the  
4 intertribal ceremonial office of the tourism department are  
5 transferred to the local government division of the department  
6 of finance and administration.

7           B. On the effective date of this act, all  
8 contractual obligations of the intertribal ceremonial office of  
9 the tourism department are binding on the local government  
10 division of the department of finance and administration.

11           C. On the effective date of this act, all  
12 references in law to the intertribal ceremonial office of the  
13 tourism department shall be deemed to be references to the  
14 intertribal Indian ceremonial association of the local  
15 government division of the department of finance and  
16 administration.

17           **SECTION 7. TEMPORARY PROVISION--RECOMPILATION**  
18 **INSTRUCTIONS.--**Section 9-15C-5 NMSA 1978 (being Laws 2005,  
19 Chapter 219, Section 5) is recompiled as Section 12-16-5 NMSA  
20 1978.

21           **SECTION 8. APPROPRIATION.--**Three hundred thousand dollars  
22 (\$300,000) is appropriated from the general fund to the local  
23 government division of the department of finance and  
24 administration for expenditure in fiscal year 2024 to employ a  
25 full-time director to manage and oversee the intertribal Indian  
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1 ceremonial association and for operational expenses of the  
2 association. Any unexpended or unencumbered balance remaining  
3 at the end of fiscal year 2024 shall revert to the general  
4 fund.

5 SECTION 9. EFFECTIVE DATE.--The effective date of the  
6 provisions of this act is July 1, 2023.

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