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FISCAL IMPACT REPORT

SPONSOR Roybal Caballero ORIGINAL DATE 2/21/19
LAST UPDATED _____ HB 528

SHORT TITLE State Recognition of Certain Tribes SB _____

ANALYST Armstrong

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		NFI				

(Parenthesis () Indicate Expenditure Decreases)

Conflicts with HB339

SOURCES OF INFORMATION

LFC Files

Responses Received From

New Mexico Attorney General (NMAG)

Indian Affairs Department (IAD)

SUMMARY

Synopsis of Bill

House Bill 528 extends state recognition and acknowledgement to the Piro/Manso/Tiwa Indian tribe of the Pueblo of San Juan de Guadalupe. However, the bill provides that no laws of the state of New Mexico of general application extends to federally recognized Indian nation, tribes and pueblos shall be applicable to the Piro/Manso/Tiwa Indian tribe, Pueblo of San Juan de Guadalupe, and its members.

FISCAL IMPLICATIONS

The bill may have a minor administrative impact on IAD, but the department's analysis notes there is not a fiscal impact.

SIGNIFICANT ISSUES

New Mexico does not have a process for State recognition of tribes. The Piro/Manso/Tiwa tribe filed a petition to be recognized federally as a tribe in 1971 and it has yet to be granted and the process is ongoing. N.M.S.A. 1978, § 11-18-1 through § 11-18-5 provides for the State-Tribal

Collaboration Act, which is silent regarding a formal State recognition process, but defines tribe as:

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

The Child-Custody Jurisdiction and Enforcement Act defines tribe as such:

(16) “tribe” means an Indian tribe or band, or Alaskan Native village, which is recognized by federal law or formally acknowledged by a state

While other states have a formal process of recognizing tribes or pueblos, New Mexico bases recognition of a tribe or pueblo on whether they are recognized federally. This bill would be contrary to that because the Piro/Manso/Tiwa Indian tribe, Pueblo of San Juan de Guadalupe, is not federally recognized.

CONFLICT

HB528 conflicts with House Bill 339, which states that “all laws of the state of New Mexico of general application extended to federally recognized Indian nations, tribes and pueblos shall be applicable to the Piro/Manso/Tiwa Indian tribe, Pueblo of San Juan de Guadalupe, and its members.” In contrast, HB528 states that “no laws” shall be applicable.

JA/sb