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FISCAL IMPACT REPORT

SPONSOR: Madalena DATE TYPED: 1/29/03 HB 50

SHORT TITLE: Investigations of Death on Tribal Lands SB _____

ANALYST: L. Baca

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
	\$100.0			Recurring	GF

(Parenthesis () Indicate Expenditure Decreases)

Relates to House Bill 49

Relates to the Appropriation for the University of New Mexico in the General Appropriation Act

SOURCES OF INFORMATION

LFC files

Responses Received From

Commission on Higher Education (CHE)

Department of Health (DOH)

SUMMARY

Synopsis of Bill

House Bill 50 appropriates \$100.0 from the general fund to the board of regents of the University of New Mexico (UNM) to fund forensic investigations performed due to deaths occurring on the land of an Indian nation, tribe or pueblo in New Mexico.

Significant Issues

The forensics investigations project was not included in the University of New Mexico Board of Regents legislative request and, therefore, was not reviewed nor recommended by the Commission on Higher Education.

Laws of 2002, Chapter 4 of the First Extraordinary Session of the Forty-Fifth Legislature include an appropriation of \$50.0 to Office of the Medical Investigator for the conduct of forensic investigations after being invited by the affected Indian nation, tribe or pueblo.

FISCAL IMPLICATIONS

The appropriation of \$100.0 contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2004 shall revert to the general fund.

ADMINISTRATIVE IMPLICATIONS

According to the CHE analysis, this bill would add one more research/public service project to the current list of an estimated 115 projects which are funded as separate line items outside the higher education funding formula.

RELATIONSHIP

HB 50 relates to HB 49 which requires that the board of medical investigators make an effort to consult with surviving relatives of deceased members of federally recognized Indian nation, tribes or pueblos before final disposition of the deceased's remains.

TECHNICAL ISSUES

Indian nations, tribes and pueblos are sovereign nations, and the OMI has no authority to investigate deaths on Indian lands. Investigations may be conducted by state entities only after being invited to do so by the affected Indian nation, tribe or pueblo.

The bill appropriates for the conduct of investigations, but does specify they may be conducted only upon invitation.

AMENDMENTS

The CHE suggests the following language for all new recurring higher education programs and expansion of current programs (assuming that funding will continue beyond 2002-2003):

“The institution receiving the appropriation in this bill submits a program evaluation to the Legislative Finance Committee and the Commission on Higher Education by August 2005 detailing the benefits to the State of New Mexico from having implemented this program over a three period.”

POSSIBLE QUESTIONS

1. Why wasn't this request included in UNM'S request for funding ?
2. How many requests for forensics investigations have been received thus far this fiscal year?
3. Do federal agencies conduct forensics investigations on deaths on lands owned by Indian nations, tribes or pueblos?