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FISCAL IMPACT REPORT

SPONSOR: Tsosie DATE TYPED: 01/28/03 HB _____

SHORT TITLE: Tribal-State Judicial Consortium SB 98

ANALYST: Hayes

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
	\$117.0			Non-Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

Responses Received From

Administrative Office of the Courts (AOC)
LFC files

SUMMARY

Synopsis of Bill

Senate Bill 98 appropriates \$117.0 from the general fund to the Administrative Office of the Courts (AOC) for the purpose of funding operations and projects of the Tribal-State Judicial Consortium.

Significant Issues

1. Overview. The consortium is an outgrowth of the Supreme Court's State Court Improvement Project (CIP) which has, as one of its initiatives, improving the relationship between the state's judiciary and the 22 sovereign tribal court systems in the state.

During the last five years, there has been judicial cooperation of the jurisdiction and sovereignty of the state and the 22 Indian nations, tribes and pueblos located in New Mexico as they impact state and tribal court actions regarding child abuse, juvenile justice, custody, divorce and domestic violence.

Through the work of the Tribal-State Judicial Consortium, judges and other participants have an opportunity to learn about each other's courts, laws, customs and values, thereby improving relationships to help ensure more efficient and more culturally relevant interactions and services while respecting the sovereignty of the Indian nations. Acknowledging the sovereignty of Indian nations through the judicial system will make it easier for other state and tribal public systems and services to work together and coordinate their services, particularly in those areas where children and families are involved.

2. Accomplishments. The Tribal-State Judicial Consortium has focused on four major areas:

- a) Enhancing collaboration and communication between state and tribal courts
- b) Clarifying laws
- c) Educating tribal and state agencies along with judiciaries
- d) Developing policy and procedure

3. Endorsement. Both the Supreme Court and the Indian Court Judges Association have endorsed the mission and goals of the Tribal-State Judicial Consortium.

FISCAL IMPLICATIONS

The appropriation of \$117.0 contained in this bill is a non-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.

Similar legislation has been introduced in the past. The same two issues are highlighted each year, but do not get resolved. First, is there a full-time or part-time position associated with the funding? Second, is this a recurring or non-recurring expense? This analyst determines it to be non-recurring. Perhaps the language in the bill could be amended to clarify these issues.

POSSIBLE QUESTIONS

1. Is the Tribal-State Judicial Consortium an ongoing program or is it nearing its final objective? Is this a recurring expense that should be appropriated to AOC's Administrative Support Program or is it a one-time expenditure?
2. Since most of the consortium's activities involve child abuse, juvenile justice, custody, divorce, domestic violence and child support, the interactions with state agencies such as the Human Services Department and CYFD need to be described. Should the consortium and its funding be appropriated to one of these agencies instead of AOC?

CMH/prr