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FISCAL IMPACT REPORT

SPONSOR: Madalena DATE TYPED: 3/05/03 HB 49a/HCPAC/aHBIC/aSIAC

SHORT TITLE: Medical Examiner and Deceased Indians SB _____

ANALYST: Weber

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
			Minimal		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

Responses Received From
 University of New Mexico-School of Medicine
 Office of Medical Investigations

SUMMARY

Synopsis of SIAC

The Senate Indian Affairs Committee made the following amendments.

1. On page 2, line 11, after “diligence” insert “,after any legally required autopsy or post-mortem examination,”.
2. On page 2, line 13, strike the period and insert in lieu thereof “,unless other treatment of the remains is provided for by law.”.

These two changes clarify that any legally required procedures must be completed prior to disposition of the remains.

Synopsis of HBIC Amendment

The House Business and Industry Committee inserted “to be determined” on page 2, line 9 after “is”.

Synopsis of HCPAC Amendment

The House Consumer and Public Affairs Committee amendment changes the wording “surviving relatives” on the second page to “legal next of kin”.

Synopsis of Original Bill

House Bill 49 adds the director of the New Mexico Office of Indian Affairs to the Board of Medical Investigators. The bill also requires that the state medical investigator use all due diligence to consult with the surviving relatives of a deceased member of Indian nations, tribes or pueblos regarding the disposition of all the deceased’s remains. This is to ensure the handling of the deceased conforms to the conventions and sensitivities of the relatives.

FISCAL IMPLICATIONS

There is no appropriation contained in this bill. The fiscal impact is minimal. Since the medical investigator board members are not paid, the only fiscal impact would be the per diem and mileage associated with an additional member.

OTHER SUBSTANTIVE ISSUES

Current board policy requires sensitivity to cultural differences and states “The office honors the traditions Native American (tribal and pueblo), Jewish, and Muslim peoples, and attempts to stay abreast of all cultural requirements that it may encounter.”

MW/prt/njw