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FISCAL IMPACT REPORT

SPONSOR Tsosie DATE TYPED 02/04/04 HB _____

SHORT TITLE Native Remains Ancestral Remains Cemetery SB 329

ANALYST Weber

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY04	FY05	FY04	FY05		
	\$500.0			Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Indian Affairs

SUMMARY

Synopsis of Bill

Senate Bill 329 appropriates \$500 thousand from the general fund to the Indian Affairs Department for a state cemetery to support the need of New Mexico's Native American population to provide a secure final resting place for unidentified or unclaimed Native American ancestral remains.

Significant Issues

The Department of Indian Affairs reports.

The bill addresses a sensitive and controversial issue related to the Native American Graves Protection and Repatriation Act (NAGPRA) of 1990. This federal law, gave Native American Indian Tribes control over their ancestral remains, affiliated and unaffiliated burial objects, sacred objects and objects of cultural patrimony. Federal law supercedes state law, and NAGPRA would supercede any state law related to repatriation if a conflict arose.

There are several state entities that work and are equipped to work with ancestral remains such as the historic preservation division and the museum of Indian arts and culture. Although legislative requests have been made previously that would impact the Office of Indian Affairs, none

have been enacted, and thus the OIA has not handled sensitive Native American repatriation issues. When there is discovery, currently the historic preservation division contacts the tribes that may be affiliated or related by direct kinship, and then forwards a letter to the OIA.

FISCAL IMPLICATIONS

The appropriation of \$500 thousand contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of Fiscal Year 2005 shall revert to the general fund.

ADMINISTRATIVE IMPLICATIONS

The Department of Indian Affairs expresses concern that with only 10 FTE it would not be able to effectively administer such a program and consideration should be given to an appropriation for such purposes.

MW/prr