

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

SPONSOR Madalena **ORIGINAL DATE** 01/25/08
LAST UPDATED _____ **HB** 283
SHORT TITLE American Indian Law & Policy Training **SB** _____
ANALYST Weber

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY08	FY09		
	\$50.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From
Indian Affairs Department

SUMMARY

Synopsis of Bill

House Bill 283 appropriates \$50 thousand from the general fund to the Indian Affairs Department to contract with an organization with over thirty years of Indian law and policy experience to assist tribes to promote Indian law and policy development and training and tribal court systems development.

FISCAL IMPLICATIONS

The appropriation of \$50 thousand contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY09 shall revert to the general fund.

SIGNIFICANT ISSUES

The Indian Affairs Department reports:

There are a number of for-profit and non-profit organizations that currently offer Indian law training and educational resources. However, the bill specifies that the Department contract with an organization “with over thirty years” of experience.

In New Mexico, the American Indian Law Center, Inc. (“AILC”) offers such resources. AILC “is the oldest existing Indian-controlled and operated legal and public policy organization in the country, providing preparatory legal education to individuals, training and technical assistance to tribes and their courts, and policy analysis.” The AILC was established in 1967. According to AILC, it has “worked with officials from more than 20 states, hundreds of tribes and Native American organizations, and have trained thousands of professionals and paraprofessionals. As a result, AILC has a unique, in-depth knowledge about tribal institutions, including tribal courts and their place in tribal government, and about tribal, state, and federal relations.”

In New Mexico, there are 26 tribal courts—21 at each of NM’s Tribes, Nations, Pueblos, and 5 being Navajo Nation tribal district courts located at Magdalena, To’hajiilee, Crownpoint, Ramah, and Shiprock, New Mexico. According to the Tribal Courts Council of the American Bar Association Judicial Division, “[o]nce an unknown entity to most of the American legal system, tribal courts and indigenous justice systems have experienced marked growth over the last few decades....Tribal judges, like their state and federal counterparts, are experiencing substantial increased dockets which include an array of subject matter from criminal law to family court to complex tort and commercial litigation.” The bill would provide New Mexico’s tribal courts with training and would assist in the development of their systems.

Signified by the increasing number of law schools around the country that are implementing Indian law classes and/or programs to their curriculum, the practice and knowledge of Indian law and policy is very important, especially in New Mexico. New Mexico became “the first state to require federal Indian law as a subject on its state bar exam.” According to then UNM School of Law Dean Robert J. Desiderio, “Indian law in New Mexico is becoming as important as state law to practitioners, courts and citizens....We try to insert Indian law issues into most subjects we teach and not just the courses marked Indian law.” HB 283 could allow for the AILC to continue to its work in providing in-depth knowledge about tribal institutions for not only New Mexico but nationally.

MW/bb