

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

ORIGINAL DATE 2/18/09  
 LAST UPDATED 2/19/09      HB \_\_\_\_\_

SPONSOR Griego E.

SHORT TITLE Native American Sacred Site Protection      SJM 29

ANALYST Burns

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates HJM 50 Federal Protection of Native American Sites

### SOURCES OF INFORMATION

LFC Files

Responses Received From

Indian Affairs Department (IAD)

### SUMMARY

#### Synopsis of Bill

Senate Joint Memorial 29 requests federal protection of Native American sites. HJM 50 would request President Barack Obama to take immediate steps to address the protection of Native American sacred-sites in the United States, including establishing an enforceable cause-of-action provision within the American Indian Religious Freedom Act of 1978 and providing equitable funding to support Native American sacred-site resource protection programs.

### SIGNIFICANT ISSUES

SJM 29 does not directly relate to New Mexico, but relates more to federal lands. Any federal legislation, as requested by HJM 50, would only apply to sacred sites on federal land. Sacred sites on state and private land are currently protected under the New Mexico Cultural Properties Act (Section 18-6-1 *et seq.* NMSA 1978).

SJM 29 requests any federal legislation or other initiatives regarding sacred sites should include consultation and collaboration with tribal officials, with participation by appropriate organizations and groups which is already consistent with federal policy to consult with tribal governments on matters affecting tribes.

**ADMINISTRATIVE**

Copies of the memorial would be transmitted to the President of the United States, tribal governments in New Mexico and the Ute Mountain Ute Tribe and other dignitaries as named in the bill.

**DUPLICATION**

SJM 29 duplicates HJM 50 Federal Protection of Native American Sites.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

A request to President Barack Obama to take action to protect Native American sacred sites would not be issued by the New Mexico State Legislature.

KJB/mt:mc