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FISCAL IMPACT REPORT

SPONSOR Roybal Caballero/Steinborn ORIGINAL DATE 1/28/21
LAST UPDATED _____ HB 39
SHORT TITLE PIRO/MANSO/TIWA Tribal Recognition SB _____
ANALYST Bachechi

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY21	FY22	FY23	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI			

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Indian Affairs Department (IAD)

SUMMARY

Synopsis of Bill

House Bill 39 extends state recognition and acknowledgment to the Piro/Manso/Tiwa Indian tribe, Pueblo of San Juan de Guadalupe. The bill states that no laws of the state of New Mexico's general application extended to federally recognized Indian nations, tribes, and pueblos shall be applicable to the Piro/Manso/Tiwa Indian tribe, the Pueblo of San Juan de Guadalupe, or its members.

There is no effective date of this bill. It is assumed that the effective date is 90 days following adjournment of the Legislature.

FISCAL IMPLICATIONS

No fiscal implications have been identified at this time.

SIGNIFICANT ISSUES

New Mexico does not have a process for State recognition of tribes. N.M.S.A. 1978, § 11-18-1 through § 11-18-5, known as the State-Tribal Collaboration Act (the "Act"), is silent regarding a formal State recognition process. The Act states, "Indian nation, tribe or pueblo means any

federally recognized Indian nation, tribe or pueblo located wholly or partially in New Mexico.” While other states have a formal process of recognizing tribes or pueblos, New Mexico bases recognition of a tribe or pueblo on whether they are recognized federally. The Piro/Manso/Tiwa tribe is not federally recognized. The Piro/Manso/Tiwa tribe filed a petition to be recognized federally as a tribe in 1971. The tribe has yet to be granted status and the process at the federal level is ongoing. Since tribal recognition in New Mexico is based on a tribe, nation, or pueblo being federally recognized, this bill could create conflicts with both state and federal law.

ADMINISTRATIVE IMPLICATIONS

The bill could have minor administrative impact on the Indian Affairs Department.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

As the Piro/Manso/Tiwa tribe is not federally recognized, and since tribal recognition in New Mexico is based on a tribe, nation, or pueblo being federally recognized, this bill could create conflicts with both state and federal law.

CLB/al