



legations have been made that Native Americans are using or occupying lands without authorization.

The federal government maintains a special trust relationship with Indian tribes pursuant to treaties, statutes, Executive Orders, judicial decisions and other legal instruments. Inherent in this relationship is an enforceable fiduciary responsibility to Indian tribes to protect their lands and resources, unless otherwise unencumbered through mutual agreement. Therefore, the proposed study would necessarily involve the participation of the federal government to investigate and resolve any jurisdiction and land ownership issues involving the NM Indian tribes.

### **FISCAL IMPLICATIONS**

HJM 74 does not provide funds to support the study. Funds to conduct the study will have to be supported by the respective department's budget.

HJM 74 directs the Indian Affairs Department and the State Land Office work together to conduct a study of Native American unauthorized use of state lands. DIA is concerned that due to the complex nature of the study, it may require additional staff time or a reassignment of the limited number of current staff.

### **TECHNICAL ISSUES**

HJM 74 requires the DIA and State Land Office to report to the interim legislative committees no later than November 2005 on the findings and recommendations from the study. The deadline as provided may not be enough time for the State entities to have completed a thorough review of potential unauthorized use of state lands by Native Americans and offer thoughtful legislative recommendations.

DIA recommends the following:

On page 3, Line 10, add 'department.' after 'affairs.'

MW/lg