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FISCAL IMPACT REPORT

SPONSOR Roybal Caballero ORIGINAL DATE 1/28/19
LAST UPDATED _____ HB 339

SHORT TITLE State Recognition of Certain Tribes SB _____

ANALYST Armstrong

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		NFI				

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

New Mexico Attorney General (NMAG)

Indian Affairs Department (IAD)

SUMMARY

Synopsis of Bill

House Bill 339 extends state recognition to the Piro/Manso/Tiwa Indian tribe of the Pueblo of San Juan de Guadalupe.

FISCAL IMPLICATIONS

The bill may have a minor administrative impact on IAD, but the department's analysis notes there is not a fiscal impact.

SIGNIFICANT ISSUES

New Mexico does not have a process for State recognition of tribes. The Piro/Manso/Tiwa tribe filed a petition to be recognized federally as a tribe in 1971 and it has yet to be granted and the process is ongoing. N.M.S.A. 1978, § 11-18-1 through § 11-18-5 provides for the State-Tribal Collaboration Act, which is silent regarding a formal State recognition process, but defines tribe as:

B. "Indian nation, tribe or pueblo" means any federally recognized Indian nation, tribe or pueblo located wholly or partially in New Mexico; and

The Child-Custody Jurisdiction and Enforcement Act defines tribe as such:

(16) “tribe” means an Indian tribe or band, or Alaskan Native village, which is recognized by federal law or formally acknowledged by a state

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. This bill would be contrary to that because the Piro/Manso/Tiwa Indian tribe, Pueblo of San Juan de Guadalupe, is not recognized federally. Additionally, if generally applicable New Mexico law is based on a tribe, nation, or pueblo being federally recognized, applying those laws to a federally unrecognized pueblo could create conflicts in the application of those laws, according to AGO analysis.

TECHNICAL ISSUES

NMAG notes the language “All laws of the state of New Mexico of general application to Indian nations, tribes and pueblos shall be applicable” is ambiguous.

JA/sb