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FISCAL IMPACT REPORT

SPONSOR: Tsosie DATE TYPED: 02/14/01 HB _____
 SHORT TITLE: Tribal-State Judicial Cooperation SB 158
 ANALYST: Hayes

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
	\$ 125.0			Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC files
 Administrative Office of the Courts (AOC)

No response

Office of Indian Affairs

SUMMARY

Synopsis of Bill

SB158 appropriates \$125.0 from the general fund to the Administrative Office of the Courts for the purpose of continuing development of tribal-state judicial relationships and understanding.

Significant Issues

During the last four years, there has been judicial cooperation of the jurisdiction and sovereignty of the state and the twenty-two Indian nations, tribes and pueblos located in New Mexico as they impact state and tribal court actions regarding child abuse, juvenile justice, custody, divorce and domestic violence.

Through the work of the tribal-state judicial consortium, judges and other participants have an opportunity to learn about each other's courts, laws, customs and values, thereby. Improved relationships help ensure more efficient and more culturally relevant interactions and services while respecting the sovereignty of the Indian Nations. Acknowledging the sovereignty of Indian Nations

through the judicial system will make it easier for other state and tribal public systems and services to work together and coordinate their services, particularly in those areas where children and families are involved.

FISCAL IMPLICATIONS

The appropriation of \$125.0 contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2002 shall revert to the general fund.

Since 1998, the tribal-state judicial consortium has been actively meeting on a regular basis using a small amount of private start-up funding that was applied for and received by the Administrative Office of the Courts in 1997. These funds were for the purpose of supporting efforts to develop and enhance judicial relationships between tribal and state court staff and "systems." These funds are now exhausted.

No statistics or information or was provided by the AOC or the Office of Indian Affairs regarding the progress made between tribal and state court staff, the enhanced judicial relationships and how they have affected either court system.

While the Office of Indian Affairs did not provide an analysis of the bill and the bill itself is vague in addressing how the \$125.0 is to be spent, AOC did transmit information to the LFC regarding intent of the bill in regards to expenditures:

Funding apparently include salary and benefits for a half-time staff attorney position to conduct legal research related to issues of jurisdiction and sovereignty, focusing on child abuse and neglect, domestic relations, custody issues, juvenile justice, and domestic violence. Funding will also support ongoing expenses of tribal-state judicial consortium efforts which include convening regular meetings and other opportunities to build and enhance cooperation and understanding of and between tribal and state judicial systems and agency services. Additionally, funding will be used to convene regional and statewide training workshops regarding the implementation and better understanding of the federal Adoption and Safe Families Act (ASFA) requirements, the state Children's Code requirements, the Indian Child Welfare Act (ICWA), and other laws that affect children and families. Lastly, funding is needed to support technical assistance, research assistance and information dissemination in the areas of jurisdiction and sovereignty, focusing on child abuse and neglect, domestic relations and custody, juvenile justice, and domestic violence to tribal and state.

ADMINISTRATIVE IMPLICATIONS

The consortium is an outgrowth of the Supreme Court's State Court Improvement Project which has, as one of its initiatives, improving the relationship between the state's judiciary and the 22 sovereign tribal court systems in the state.

Members of the tribal-state judicial consortium include seven judges from various state courts (one Supreme Court Justice, four District Court judges, one Metropolitan Court judge and one Magistrate Court judge) appointed by the New Mexico Supreme Court, plus seven tribal court judges (representing various pueblos, the Mescalero Apache tribe and the Navajo Nation) appointed by the New Mexico and Colorado Indian Court Judges Association. In addition, many "interested parties" are invited to attend consortium meetings. A state court judge and a tribal court judge serve as co-chairs. Both the Supreme Court and the Indian Court Judges Association have endorsed the mission and goals of the consortium.

TECHNICAL ISSUES

It is unclear in the bill whether the sponsor intended to fund an attorney position as the AOC claims. The part-time position or FTE needs to be clarified.

EFFECTIVE DATE of the bill is not indicated.

CMH/njw