

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  
LAST UPDATED

SPONSOR SIAC HB \_\_\_\_\_

SHORT TITLE Beds For Native Americans At UNM Hospital SM 33/SIACS

ANALYST Moser

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY06	FY07		
	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates Appropriation in the General Appropriation Act  
Relates to Appropriation in the General Appropriation Act

### SOURCES OF INFORMATION

LFC Files

### SUMMARY

#### Synopsis of Bill

The Senate Indian Affairs Committee substitute for Senate Memorial 33 requires that the university of New Mexico report to the interim legislative affairs committee by October 2006 on its understanding of the extent of its legal obligation to make beds available for Native Americans and whether this obligations being met.

### SIGNIFICANT ISSUES

New Mexico has 173,483 Indian citizens, which compose nearly 10.5% of the state's entire population. There are 22 Indian tribes in New Mexico - 19 Pueblos, two Apache tribes (the Jicarilla Apache Nation and the Mescalero Apache Tribe), and the Navajo Nation, and a considerable urban Indian population.

More than fifty years ago, the United States Congress through Public Law 85-249 provided funding for the Bernalillo County Hospital on a commitment to reserve a minimum of 100 beds for Native American patients in exchange for land taken out of trust for the hospital. Public Law 85-249 is still in effect. The University of New Mexico board of regents has managed the hospital since 1968.

## **Senate Memorial 33/SIACS - Page 2**

The department of higher education (HED) indicates that UNM offers that it is fulfilling its contract by providing access to care and financial assistance for that care to all Indians, regardless of origin, on the same basis as it provides access to non-Indian patients. HED indicates that while this care and assistance for the general welfare is significant according to SM33 UNM does not fulfill the terms of the contract. The Pueblos of New Mexico donated the land to the hospital in exchange for future services. This act was intended to assure health service delivery to the entire population of Bernalillo County. The act constitutes an agreement with legal remedies for its breach.

The Indian Health Service reimburses UNM Hospital for approximately one-half the cost the hospital incurs each year for providing hospital services to eligible Native Americans.

HED points out that historically treaties signed by the U.S. Government and the hundreds of Indian tribes constitute moral and legally binding agreements. At the heart of contention is a misunderstanding of what it means to fulfill contracts with tribes.

GM/nt