

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 02/10/09

SPONSOR Begaye LAST UPDATED _____ HB 309

SHORT TITLE Shiprock Domestic Violence Shelter SB _____

ANALYST Aubel

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
	\$100.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Duplicates SB 186; Relates to SB 195

Relates to Appropriation in the General Appropriation Act

SOURCES OF INFORMATION

LFC Files

Responses Received From

Local Government Division (LGD) of the Department of Finance and Administration

Indian Affairs Department (IAD)

Child, Youth and Family Department (CYFD)

Department of Public Safety (DPS)

Department of Health (DOH)

SUMMARY

Synopsis of Bill

House Bill 309 appropriates \$100 thousand from the general fund to the Local Government Division of the Department (LGD) of the Department of Finance and Administration for FY10 and FY11 to operate the domestic violence shelter in Shiprock in San Juan County. HB 309 contains an emergency clause.

FISCAL IMPLICATIONS

The appropriation of \$100 thousand contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY11 shall revert to the general fund.

According to the December 2008 revenue estimate, FY10 recurring revenue will only support a base expenditure level that is \$293 million, or 2.6 percent, less than the FY09 appropriation. All appropriations outside of the general appropriation act will be viewed in this declining revenue context.

SIGNIFICANT ISSUES

The Department of Health, in its publication *The Domestic Violence Trends in New Mexico, 2001-2003*, reported 1,033 domestic violence incidents in 2003. Of the reports that include ethnicity, 48 percent were Native American, 34 percent white, 15 percent Hispanic, 2 percent black and 1 percent Asians and other. Prior LFC documentation notes that 99 percent of the people receiving services from the Home for Women and Children in Shiprock, New Mexico are from the Navajo Nation.

The Shiprock facility serves as a temporarily residence for women and children that are victims of domestic abuse living in the Four Corners area of New Mexico, with the length of stay ranging from 30 days to 90 days. The shelter provides safety, shelter, advocacy, education, networking, and referrals for victims and their children.

The Indian Affairs Department (IAD) notes that the prevalence and incidence of violence against Indian women is high when compared to other races, stating that a study by the Department of Justice Statistics (DOJ) found the rate of violent victimization for Native Americans age 12 and older was more than twice the national rate. The agency notes another report from Amnesty International that cites DOJ statistics showing that Native American and Alaska Native women are approximately 2.5 times more likely to be sexually assaulted or raped than other women in the United States. Furthermore, 34.1 percent, or more than one in three, Native American women will be raped during their lifetime compared to one in five for the general U.S. female population. Finally, IAD cites DOJ statistics that show roughly 25 percent of sexual violence against Native American women is committed by an intimate partner, although this statistic most likely does not portray the full extent of domestic violence because an estimated 70 percent of sexual assaults against Native American women are never reported.

To reduce violent crimes against women, some tribes have established domestic violence and victim services. IAD has suggested that there is still a great need for culturally-sensitive support and services for Native American women and their children. The agency also has maintained that the few federal grant programs are limited and insufficient to address tribal priorities of reducing domestic violence.

ADMINISTRATIVE IMPLICATIONS

The Children, Youth and Family Department (CYFD) is the state agency identified in statute to administer domestic violence program funding. Because the appropriation is made to LGD of the Department of Finance and Administration, most likely the division will serve as a “flow through” to the San Juan County or other entity to avoid violating the anti-donation clause. The agency has noted the difficulty of making such payments and reimbursements to nonprofit organizations, which in some case, have been held delayed or declined. IAD notes that it may be better to appropriate the money directly through CYFD rather than DFA.

RELATIONSHIP

The LFC FY10 budget recommendation includes \$2.6 million to CYFD for domestic violence programs from the temporary assistance for needy families (TANF) block grant to New Mexico.

HB 309 duplicates Senate Bill 186, Shiprock Domestic Violence Shelter.

HB 309 relates to Senate Bill 195, which would appropriate \$43 thousand to CYFD in FY10 to fund counseling services through the Navajo Nation Office of Women and Families—a part of the Navajo Nation government.

OTHER SUBSTANTIVE ISSUES

DOH provides additional background information, as follows:

“Domestic violence is a very serious public health problem in New Mexico. In 2007, 22,286 incidents of domestic violence were reported to law enforcement agencies in New Mexico. There were 17,487 victims identified. It is estimated that only about one half of all domestic violence incidents are reported. On average, a child witnessed one in every seven incidents of domestic violence, and on average, two children were present at each of these incidents. Of these children, 48% experienced physical abuse themselves, and 4% experienced sexual abuse (“Incidence and Nature of Domestic Violence In New Mexico VIII”, published in 2008, using 2007 data).

In FY09, the Children, Youth and Family Department (CYFD) is funding this shelter at \$161,893, which has served at least 136 clients (unduplicated; some clients remain anonymous) to date in FY 2009. They are also receiving monies (\$11,388) from Temporary Assistance to Needy Families. All of the shelter’s clients are Native Americans. In CY2008, this organization (Home for Women and Children) served 158 women and 232 children in its shelter program, 204 people in its offender education program, and 160 other people in its victims education program.”

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The Shiprock Home for Women and Children would not receive operational funding to provide domestic violence shelter and support services and most likely need to find alternative funding or reduce services.

POSSIBLE QUESTIONS

1. How has the Shiprock shelter and domestic violence programs in the Four Corners area impacted the incidence of domestic violence?
2. Is the shelter equipped to provide services to non-Native Americans?
3. What are the sources of funding for the shelter?
4. How will the lack of this appropriation affect services?
5. What is the status of the capital outlay funding that has been appropriated in prior years for the Shiprock shelter?