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FISCAL IMPACT REPORT

SPONSOR Ortiz y Pino ORIGINAL DATE 02/04/13
 LAST UPDATED _____ HB _____

SHORT TITLE Establish Chihene Nde Nation as a Tribe SJM 5

ANALYST Wojahn

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		Minimal, See Fiscal Implications				

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Indian Affairs Department (IAD)

SUMMARY

Synopsis of Bill

Senate Joint Memorial 5 requests that the U.S. Congress support the establishment of the Chihene Nde Nation of New Mexico as a federally recognized tribe. The Chihene Nde Nation, formally known as the Warm Springs Band of Chiricahua Apache, is incorporated in New Mexico as a domestic nonprofit organization and their history is well documented through treaties, peace agreements and Spanish land grants.

FISCAL IMPLICATIONS

The IAD notes if the Chihene Nde Nation of New Mexico was to gain federal recognition by the United States, there would be future federal fiscal impacts. Economic development will be beneficial to the tribe when and if the tribe becomes federally recognized.

SIGNIFICANT ISSUES

Passing SJM 5 may “open the door” for other descendants of indigenous people to try and gain federal recognition through an act of Congress. The IAD also notes potential opposition from other tribes, nations, and pueblos in the state of New Mexico.

OTHER SUBSTANTIVE ISSUES

The following information was gathered from the Bureau of Indian Affairs website at www.bia.gov/FAQS/index.htm. In 1978, the Interior Department issued regulations governing the Federal Acknowledgment Process (FAP) to handle requests for federal recognition from Indian groups whose character and history varied widely in a uniform manner. These regulations – 25 C.F.R. Part 83, were revised in 1994 and are still in effect. In 1994, Congress enacted Public Law 103-454, the Federally Recognized Indian Tribe List Act (108 Stat.4791, 4792), which formally established three ways in which an Indian group may become federally recognized: by Act of Congress, by the administrative procedures under 25 C.F.R. Part 83, or by decision of a United States Court. Generally, recognition by act of Congress is seldom accomplished.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The Chihene Nde Nation of New Mexico will continue its journey to gain federal recognition. Passing SJM 5 will encourage our federal congressional delegation to take action at a national level.

MEW/svb