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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
54th Legislature, 2nd Session, 2020

Bill Number	<u>HB137</u>	Sponsor	<u>Lente/Johnson/Allison</u>
Tracking Number	<u>.216308.4</u>	Committee Referrals	<u>HSEIC/HAFC</u>
Short Title	<u>Native American Projects</u>		
Analyst	<u>Andrews</u>	Original Date	<u>1/28/2020</u>
		Last Updated	<u></u>

BILL SUMMARY

Synopsis of Bill

House Bill 137 (HB137) appropriates funds to the Indian Affairs Department (IAD) for library, Internet access, and educational resource center projects for Native American nations, tribes, and pueblos.

FISCAL IMPACT

This bill appropriates a total of \$59.2 million from the general fund to IAD for expenditure in FY20 through FY24. The unexpended or unencumbered balance of each appropriation shall revert to the tribal infrastructure project fund within six months of completion of the project, but no later than FY24.

HB137 appropriates a total of \$59.2 million:

- \$38.9 million for 22 Native American nations, tribes, and pueblos to plan, design, renovate, expand, construct, equip and furnish libraries.
- Funding for high-speed Internet: \$4.6 million in matching funds for federal grants for high-speed Internet for the Santa Fe Indian School, as well as \$3.2 million for high-speed Internet on the Navajo Nation, and \$500 thousand for the Jicarilla Apache Nation.
- Funding for three curriculum materials development centers: \$2.5 million for Navajo Technical University, \$1.5 million for the Pueblo of Zuni, and \$1.5 for the Mescalero Apache Tribe.
- Funding for education: \$1.5 million for an early childhood practicum at Navajo Technical University, \$1.5 million for education resource centers for the Dzil Ditl'looi School of Empowerment, Action and Perseverance (DEAP) charter school, \$2.5 million for an educational resource center and \$1 million for an early childhood center at the Pueblo of Jemez.

It is unclear what method was used to develop the funding levels for each location.

SUBSTANTIVE ISSUES

HB137 addresses concerns raised in the *Martinez* and *Yazzie* consolidated lawsuit ruling. The Court ruled that the State has failed to provide Native American students – in addition to other at-risk populations, defined as low-income students, English learners, and students with disabilities – with a constitutionally sufficient education, violating the New Mexico Constitution Article 12, Section 1. The judge in the consolidated *Martinez* and *Yazzie* lawsuit indicated at-risk students do not have access to quality programs targeted to meet their specific needs, often score lower than their peers on the state’s reading assessments, graduate from high school at lower rates, and matriculate to college less often.

According to IAD, since the *Martinez* and *Yazzie* consolidated lawsuit ruling in June 2018, New Mexico’s 23 Native American tribes, nations, and pueblos have worked diligently to formulate and construct remedies to the identified gaps in the state’s education system. In 2019, New Mexico’s tribes, nations, and pueblos formally convened five times to develop framework recommendations. HB137 is one of the proposed remedies to the *Martinez* and *Yazzie* consolidated lawsuit.

It appears HB137 is duplicative of other broadband funding programs. The Public School Facilities Authority (PSFA) notes in their analysis that tribal schools and libraries are eligible for federal E-rate funding, which provides on average 80 percent to 90 percent of the cost to upgrade broadband infrastructure. While tribal schools are not covered under PSFA’s broadband deficiencies correction program, the PSFA broadband team assisted and coordinated the development of two successful broadband partnerships – Middle Rio Grande and Jemez-Zia – that took advantage of E-rate funding and improved broadband connectivity for six pueblos. However, PSFA notes that further expansion and upgrades are needed for a functional network.

According to the Department of Cultural Affairs (DCA), tribal libraries are also currently eligible for broadband infrastructure funding from the New Mexico State Library, in collaboration with the Department of Information Technology (DoIT) and PSFA, through the broadband for libraries program funded by the library broadband infrastructure fund.

ADMINISTRATIVE IMPLICATIONS

According to IAD, implementation of HB137 may require an additional advanced financial analyst position.

TECHNICAL ISSUES

DCA notes in their analysis that HB137 limits broadband infrastructure to “a fiber optic broadband infrastructure” on page 4, line 11. According to DCA, on tribal lands, wireless distribution networks may be technically feasible and a desirable alternative to laying fiber optic cable; striking “a fiber optic” would allow this through broadened language.

RELATED BILLS

Relates to HB138, Funding for Yazzie Lawsuit Responses, which appropriates funding to IAD for education, early childhood education, libraries, and information technology for Native American tribes, nations, and pueblos.

Relates to HB139, Zuni Pueblo Education Improvements, which appropriates funding to IAD for education-related improvements for the Pueblo of Zuni.

Relates to HB140, Mescalero Apache Education Improvements, which appropriates funding to IAD for education-related improvements for the Mescalero Apache Tribe.

SOURCES OF INFORMATION

- LESC Files
- Indian Affairs Department (IAD)
- Department of Cultural Affairs (DCA)
- Department of Information Technology (DoIT)
- Public School Facilities Authority (PSFA)

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