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FISCAL IMPACT REPORT

SPONSOR	Begaye	ORIGINAL DATE		LAST UPDATED	1/30/06	HB	HJM 3
	ADEQUATE FUNDING FOR CERTAIN						
SHORT TITLE	TRIBAL LANDS					SB	
				ANALYST	Weber		

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY06	FY07		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Indian Affairs Department (IAD)

Public Education Department (PED)

SUMMARY

Synopsis of Bill

House Joint Memorial 3 notes that the building of low-income housing units on pueblo tribal and national trust creates pockets of high density population.. The higher density causes school may cause an inadequacy of local infrastructure particularly for schools. HJM 3 requests that the New Mexico congressional delegation seek adequate federal funding from the federal Housing and Urban Development department to ensure that tribal and public school facilities are able to offset expenses associated with increased populations in low income housing units on pueblo, tribal and national trust lands..

FISCAL IMPLICATIONS

The memorial has no fiscal implications for New Mexico.

SIGNIFICANT ISSUES

The Indian Affairs Department offers the following narrative.

House Joint Memorial 3 – Page 2

The population characteristics of American Indian/Alaskan Native (AI/AN) both on and off reservation shows an increase in New Mexico's AI/AN youth population:

- The New Mexico AI/AN population has increased over the past 10 years and in 2002 made up approximately 10.3 percent of the total State population.
- The NM AI/AN population is younger than the total population with 48 percent of the population under the age of 25 years as compared to 37 percent for all races.

The need for funding to help schools serving Indian children and Indian education is growing. The American Institute of Architects (AIA) believes that education is a top national priority and that a proper built environment is vital to the health and safety of children and their ability to learn. School modernization, repair, and construction must be addressed nationwide. Though school construction is generally a matter of state and local jurisdiction, the AIA believes there is a consistent and complementary Federal role in providing assistance, tax incentives and “best practices” information for local school systems as they design new schools to make students competitive with those in the rest of the world. The need for modernization and new construction for school facilities has reached a critical state throughout the United States. Schools face the enormous challenges of record high enrollments, new demands for education technology, the need for school-based before and after-school programs and the health and safety hazards of deteriorating facilities. (Issue Brief: 21st Century Schools: School Modernization and Healthy Design, The American Institute of Architects, retrieved from www.aia.org)

Tribal communities lack the infrastructure to provide modern upgrades to former Bureau of Indian Affairs schools, public schools serving Indian children, or even to construct new facilities. Native youth in rural communities do not have access to modern science labs, media centers, telephones in classrooms, cable hookups, wiring for computers, internet access and networks, etc.

The federal government formally assumed responsibility for the education of Indian Children with the Act of March 3, 1819. Thereafter, in 1873, responsibility for Indians, including their education was transferred from the War Department to the Secretary of the Interior and a new Bureau of Indian Affairs (BIA). After World War II, tribal communities and other minorities began to organize to gain greater self-determination and civil rights. The passage of the Indian Education Act of 1972 (PL-92-318 as amended) and in 1975 of the Indian Self-Determination and Education Assistance Act, allowed for Native communities to improve Native education. Today, the majority of Native students attend state-run public schools with a few tribes operating tribal schools funded through the BIA. (Improving Academic Performance among Native American Students, ERIC Clearinghouse on Rural Education and Small Schools, Dec. 2001)

Today, the federal government has a trust responsibility for Indian Education consistent with this history. However, Native students experience high levels of educational failure and a growing ambivalence towards formal Western academic learning. (Improving Academic Performance among Native American Students, ERIC Clearinghouse on Rural Education and Small Schools, Dec. 2001) (BIA and DOD schools: student achievement and other characteristics often differ from public schools: report to Congressional requesters, pub. Date: 2001-09-00, GAL-01-924)

On April 30, 2004, President Bush signed Executive Order 13336, supporting tribal sovereignty. In particular, it recognizes the unique legal relationship between the United States and American

House Joint Memorial 3 – Page 3

Indian tribes, as well as a special relationship with Alaska Native entities. The order commits the Federal government to work with tribes on a government-to-government basis. It specifically states that the Bush Administration supports tribal sovereignty and tribal self-determination. The Executive Order states that its purpose is to assist American Indian and Alaska Native students to meet the challenging academic standards of the “No Child Left Behind Act” (P.L. 107-110) in a manner consistent with tribal traditions, languages and cultures. This is an important step towards refining the No Child Left Behind Act so that it works for Native students in a manner that supports Native culture. (National Indian Education Association, www.niea.org)

A report released in June 2000 by the National Center for Education Statistics estimated that \$127 billion is needed to fix America’s school buildings. This figure is consistent with an earlier General Accountability Office (GAO) study that estimated \$112 billion was needed to bring schools into “good” overall condition. Other studies examining the costs to construct new classrooms and upgrade schools (including science labs, media centers, telephones in classrooms, cable hookups, wiring for computers, Internet access, and networks) estimate the cost to be greater than \$300 billion.

There are many federal grants available to the Native American communities for New Mexico. The Indian Community Development Block Grant Program (ICDBG) administered by the federal Housing and Urban Development program, may be one of many resources for Indian communities. The ICDBG can fund: housing, community facilities (multi-purpose complexes), and economic development. There are other sources of funding available that can be leveraged to offset expenses.

The Public Education Department contributes the following.

The updated facility assessment of New Mexico public school facilities shows a total estimated cost for the life cycle building renewal and repair needs to be approximately \$2.3 billion statewide. With great needs and limited resources seeking additional funds is a step in the right direction in maximizing New Mexico’s public resources for the benefit of public schools. Current state funds can continue to be used for the current schools identified in the current New Mexico Condition Index.

Majority of school districts located on tribal lands have little or no tax base. It is often difficult for these districts to raise funds at the local level for capital projects. If school districts increase in population due to the construction of federal low-income housing the state will be burdened with such costs. Any additional funds that are sought will relieve the state from incurring 100% of these costs.

Further study would have to be done to determine the impact on BIA, contract, grant and private schools which are on tribal lands

MW/nt