

HOUSE BILL 87

55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022

INTRODUCED BY

Derrick J. Lente

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO INDIAN EDUCATION; ADDING DISTRIBUTION REQUIREMENTS TO THE INDIAN EDUCATION FUND ~~HAFC~~; ~~MAKING AN~~ ~~APPROPRIATION~~ ←HAFC.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 22-23A-8 NMSA 1978 (being Laws 2003, Chapter 151, Section 8, as amended by Laws 2007, Chapter 295, Section 7 and by Laws 2007, Chapter 296, Section 7) is amended

.221882.2AIC February 2, 2022 (11:41am)

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

to read:

"22-23A-8. FUND CREATED.--

A. The "Indian education fund" is created in the state treasury. The fund consists of appropriations, gifts, grants and donations and income from investment of the fund. Money in the fund shall not revert. The fund shall be administered by the department, and money in the fund is appropriated to the department to distribute awards to support the Indian Education Act.

B. The department shall ensure that funds appropriated from the Indian education fund shall be used for the purposes stated in the Indian Education Act and shall not be used to correct for previous reductions of program services.

C. Beginning in fiscal year 2024, no less than seventy percent of all distributions made from the Indian education fund shall be made to New Mexico tribes and shall be distributed to the New Mexico tribes as follows:

(1) in fiscal year 2024 through fiscal year 2028:

(a) ninety percent of the total amount of distributions made pursuant to this subsection shall be provided in equal amounts to each New Mexico tribe; and

(b) ten percent of the total amount of distributions made pursuant to this subsection shall be provided to each New Mexico tribe in an amount proportional to

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

the total number of students served by the tribal education department within that New Mexico tribe; and

(2) in fiscal year 2029 and each fiscal year thereafter:

(a) seventy percent of the total amount of distributions made pursuant to this subsection shall be provided in equal amounts to each New Mexico tribe; and

(b) thirty percent of the total amount of distributions made pursuant to this subsection shall be provided to each New Mexico tribe in an amount proportional to the total number of students served by the tribal education department within that New Mexico tribe.

D. The department shall enter into HEC→a joint powers agreement in accordance with Section 11-1-3 NMSA 1978←HEC HEC→an intergovernmental agreement←HEC with a New Mexico tribe to disburse funding pursuant to Subsection C of this section.

[G.] E. The department shall develop procedures and rules for the award of money from the fund. Disbursement of the fund shall be made by warrant of the department of finance and administration pursuant to vouchers signed by the secretary of public education."

HAFC→~~SECTION 2. APPROPRIATION.--Twenty million dollars (\$20,000,000) is appropriated from the general fund to the Indian education fund for expenditure in fiscal year 2024 and~~

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

~~subsequent fiscal years to provide funding for New Mexico tribes. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert to the general fund.~~←H AFC

SECTION H AFC→3.←H AFC H AFC→2.←H AFC EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2023.

- 4 -