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HOUSE BILL 135

**56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024**

INTRODUCED BY

Derrick J. Lente and Anthony Allison and D. Wonda Johnson

FOR THE INDIAN AFFAIRS COMMITTEE AND  
THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO EDUCATION; CHANGING THE DISTRIBUTIONS FROM THE  
INDIAN EDUCATION FUND.

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  
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

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1 the Indian Education Act.

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

6 C. Beginning in fiscal year 2025, distributions  
7 made from the Indian education fund to New Mexico tribes shall  
8 be distributed automatically monthly, starting July 15, in a  
9 nonreimbursable manner, based on an equitable formula that  
10 takes into account tribal needs and tribal size and includes  
11 both a base amount and a student count element.

12 [~~C.~~] D. The department shall develop procedures and  
13 rules for the award of money from the fund for school  
14 districts, charter schools and other entities. The department  
15 may request quarterly spending reports from the New Mexico  
16 tribes. The department may enter into agreements with the New  
17 Mexico tribes for the purposes of disbursing funds. New Mexico  
18 tribes may carry over unused portions of funds received;  
19 provided that those funds are used for the purposes of the  
20 Indian Education Act. Disbursement of the fund shall be made  
21 by warrant of the department of finance and administration  
22 pursuant to vouchers signed by the secretary of public  
23 education."

24 SECTION 2. EFFECTIVE DATE.--The effective date of the  
25 provisions of this act is July 1, 2024.

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