

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

SENATE BILL 246

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Joseph J. Carraro

AN ACT

RELATING TO EDUCATION; CREATING THE NATIVE AMERICAN EDUCATION  
FUND; AUTHORIZING TRANSFERS FROM THE GENERAL FUND TO THE  
PUBLIC SCHOOL CAPITAL OUTLAY FUND AND THE NATIVE AMERICAN  
EDUCATION FUND; MAKING APPROPRIATIONS.

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

Section 1. [NEW MATERIAL] NATIVE AMERICAN EDUCATION  
FUND--SET-ASIDE REQUIRED--PURPOSES. --

A. The "Native American education fund" is created  
in the state treasury.

B. An amount of money equal to fifty percent of  
the total amount submitted to the state in the four quarters  
ending on September 30 prior to the transfer by Indian  
nations, tribes or pueblos pursuant to gaming revenue-sharing  
agreements shall be transferred on January 1 of each year from

underscored material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = del ete

1 the general fund to the Native American education fund.

2 C. The money in the Native American education fund  
3 shall be expended for the purposes of:

4 (1) developing necessary infrastructure and  
5 facilities for schools, including post-secondary educational  
6 institutions, that:

7 (a) have been established in the state  
8 by the federal government or an Indian nation, tribe or pueblo  
9 to provide education to tribal members; or

10 (b) are public schools in which the  
11 total Native American student membership is ten percent or  
12 greater;

13 (2) providing scholarships to students  
14 attending post-secondary educational institutions in New  
15 Mexico that were established by the federal government or an  
16 Indian nation, tribe or pueblo located in whole or in part in  
17 the state;

18 (3) augmenting the state funding of the  
19 schools to allow programs to be provided that improve the  
20 educational success or further the cultural competency of  
21 Native American students; or

22 (4) improving school bus routes on tribal  
23 lands within the school district.

24 D. As used in this section:

25 (1) "cultural competency" means knowledge and

underscored material = new  
[bracketed material] = delete

1 understanding of one's own culture, including language,  
2 tradition and history proficiency; and

3 (2) "membership" means the total enrollment  
4 of qualified students on the current roll of a class or school  
5 on a day specified by the state department of public education  
6 as the day that public school membership is determined. The  
7 current roll shall be the same as the current roll developed  
8 pursuant to the Public School Finance Act.

9 E. Annually, during each legislative session, the  
10 legislature shall specify projects to be funded from the money  
11 in the Native American education fund and appropriate the  
12 money to fund those projects.

13 F. Any unexpended or unencumbered balance  
14 remaining at the end of any fiscal year in the Native American  
15 education fund shall not revert to the general fund. All  
16 interest or other earnings made from investing the money in  
17 the Native American education fund shall accrue to the fund  
18 and be available for appropriation by the legislature for the  
19 purposes identified in this section for which the fund can be  
20 expended.

21 Section 2. A new section of the Public School Capital  
22 Outlay Act is enacted to read:

23 "[NEW MATERIAL] ANNUAL TRANSFERS TO THE PUBLIC SCHOOL  
24 CAPITAL OUTLAY FUND--INDIAN GAMING REVENUE.--An amount of  
25 money equal to fifty percent of the total amount submitted to

. 125938. 2

underscored material = new  
[bracketed material] = delete

1 the state in the four quarters ending on September 30 prior to  
2 the transfer by Indian nations, tribes or pueblos pursuant to  
3 gaming revenue-sharing agreements shall be transferred on  
4 January 1 of each year from the general fund to the public  
5 school capital outlay fund. "

6 Section 3. APPROPRIATION. --

7 A. Fifteen million eight hundred sixteen thousand  
8 three hundred eighty-nine dollars (\$15,816,389) is  
9 appropriated from the general fund to the Native American  
10 education fund for expenditure in fiscal year 2000 and  
11 subsequent fiscal years for the purpose of funding projects  
12 selected by the legislature to receive money from that fund.  
13 Any unexpended or unencumbered balance remaining in the fund  
14 at the end of a fiscal year shall not revert to the general  
15 fund.

16 B. Fifteen million eight hundred sixteen thousand  
17 three hundred eighty-nine dollars (\$15,816,389) is  
18 appropriated from the general fund to the public school  
19 capital outlay fund for expenditure in fiscal year 2000 and  
20 subsequent fiscal years for the purpose of funding projects  
21 selected by the legislature to receive money from that fund.  
22 Any unexpended or unencumbered balance remaining in the fund  
23 at the end of a fiscal year shall not revert to the general  
24 fund.