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HOUSE BILL 87

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

INTRODUCED BY

Derrick J. Lente

AN ACT

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

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 2024, no less than
7 seventy percent of all distributions made from the Indian
8 education fund shall be made to New Mexico tribes and shall be
9 distributed to the New Mexico tribes as follows:

10 (1) in fiscal year 2024 through fiscal year
11 2028:

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

15 (b) ten percent of the total amount of
16 distributions made pursuant to this subsection shall be
17 provided to each New Mexico tribe in an amount proportional to
18 the total number of students served by the tribal education
19 department within that New Mexico tribe; and

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

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

25 (b) thirty percent of the total amount

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1 of distributions made pursuant to this subsection shall be
2 provided to each New Mexico tribe in an amount proportional to
3 the total number of students served by the tribal education
4 department within that New Mexico tribe.

5 D. The department shall enter into a joint powers
6 agreement in accordance with Section 11-1-3 NMSA 1978 with a
7 New Mexico tribe to disburse funding pursuant to Subsection C
8 of this section.

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

14 **SECTION 2. APPROPRIATION.**--Twenty million dollars
15 (\$20,000,000) is appropriated from the general fund to the
16 Indian education fund for expenditure in fiscal year 2024 and
17 subsequent fiscal years to provide funding for New Mexico
18 tribes. Any unexpended or unencumbered balance remaining at
19 the end of a fiscal year shall not revert to the general fund.

20 **SECTION 3. EFFECTIVE DATE.**--The effective date of the
21 provisions of this act is July 1, 2023.