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FISCAL IMPACT REPORT

ORIGINAL DATE 1-18-2007

SPONSOR Begay LAST UPDATED _____ HB 99

SHORT TITLE TRIBAL LIBRARY APPROPRIATIONS SB _____

ANALYST Dearing

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	\$1,330.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Public Education Department (PED)
 Cultural Affairs Department (CAD)
 Department of Finance and Administration (DFA)
 Indian Affairs Department (IAD)

SUMMARY

Synopsis of Bill

House Bill 99 appropriates \$1.33 million from the general fund to department of Cultural Affairs for the purpose of providing salary and operation support to nineteen tribal libraries.

FISCAL IMPLICATIONS

The appropriation of \$1.33 million contained in this bill is a recurring expense to the General Fund. Any unexpended or unencumbered balance remaining at the end of FY08 shall revert to the General Fund.

SIGNIFICANT ISSUES

House Bill 99 would expand the level of contract awards for both the Tribal Library Grant Program and State Grants In Aid To Public Libraries contracts issued through the State Library.

The Legislature makes numerous appropriations to IAD every year for a variety of tribal and pueblo projects. The appropriation in House Bill 99 will affect the Acoma, Cochiti, Isleta, Jemez, Laguna, Okay Owingeh, Pojoaque, San Felipe, Sandia, Santa Ana, Santa Clara, Tesuque, Zia, and Zuni pueblos. Additionally, funds would be directed to the Navajo Nation and both the Jicarilla Apache Nation and the Mescalero Apache Tribe.

In these instances, the Indian Affairs Department enters into joint powers agreements (JPA) with the pueblos or tribes and projects and funding is administered by the department. According to the department of Finance and Administration, by approving these agreements, the State of New Mexico has have endorsed the position, shared by the Attorney General, that tribal governments are exempt from the Anti-Donation Clause, since they are sovereign governmental entities. In addition, state agencies may to donate real property to tribal governments through authorizing language found in Section 13-6-2(b) -1 NMSA 1978.

The appropriation request could help promote literacy within tribal communities. This appropriation seeks to address a gap in the educational opportunities afforded tribal communities within New Mexico.

Section 4.5.2 of New Mexico of administrative code contains distribution criteria, for 7 grant awards assisting operations and acquisition needs. The grants are intended to develop libraries by supplementing local efforts, and NMAC provides differing grant process for the multiple categories libraries fall into concerning their development status.

New Mexico Tribal Library Status	Full-Public Library	Developing	Potential Library
Isleta Pueblo Library Resource Center	✓		
Jemez Pueblo Community Library	✓		
Jicarilla Public Library	✓		
Laguna Public Library	✓		
Pojoaque Pueblo Community Library	✓		
Santa Ana Pueblo Community Library	✓		
Santa Clara Pueblo Community Library	✓		
Atsa Library, branch of Farmington Public Library, Shiprock	✓		
Zia Enrichment Library	✓		
Zuni Public Library	✓		
Acoma Learning Center		✓	
Cochiti Pueblo Community Library		✓	
Sandia Pueblo Learning Resource Center		✓	
San Felipe Pueblo Library		✓	
Navajo Community Library			✓
Mescalero Community Library			✓
Santo Domingo Pueblo Library			✓

Table 1. Tribal Libraries development status; Indian Affairs Department.

PERFORMANCE IMPLICATIONS

If enacted, the LFC requests that the State Library report on the distribution of funding and submit specific program goals and criteria for assessing the effectiveness of these grants.

TECHNICAL ISSUES

Under 4.5.2.16 of New Mexico administrative code, grants to Tribal or other private libraries must be made by contract or agreement between the Indian nation or the private entity and the state library.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

If House Bill 99 is not enacted, 19 tribal libraries will not receive operational funding from the general fund.

POSSIBLE QUESTIONS

If enacted, will this funding altogether replace existing operational funding provided through local governments and Tribal Nations?

PD/mt