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HOUSE BILL 147

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

Derrick J. Lente

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

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

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

18 ~~[C.]~~ D. The department shall develop procedures and
19 rules for the award of money from the fund for school
20 districts, charter schools and other entities. The department
21 shall issue monthly fund distributions to New Mexico tribes
22 pursuant to Subsection C of this section. The department may
23 request quarterly spending reports from the New Mexico tribes.
24 The department may enter into agreements with the New Mexico
25 tribes for the purposes of disbursing funds. New Mexico tribes

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1 may carry over unused portions of funds received; provided that
2 those funds are used for the purposes of the Indian Education
3 Act. Disbursement of the fund shall be made by warrant of the
4 department of finance and administration pursuant to vouchers
5 signed by the secretary of public education."

6 SECTION 2. EFFECTIVE DATE.--The effective date of the
7 provisions of this act is July 1, 2023.

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