

1 HOUSE BILL 345

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020**

3 INTRODUCED BY

4 Georgene Louis and D. Wonda Johnson

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10 AN ACT

11 RELATING TO EARLY CHILDHOOD; CREATING A FUND TO PROVIDE FUNDING  
12 FOR LANGUAGE AND CULTURE DEVELOPMENT FOR NATIVE AMERICAN  
13 CHILDREN.

14  
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. Section 9-29-1 NMSA 1978 (being Laws 2019,  
17 Chapter 48, Section 1) is amended to read:

18 "9-29-1. SHORT TITLE.--~~[Sections 1 through 12 of this~~  
19 ~~act]~~ Chapter 9, Article 29 NMSA 1978 may be cited as the "Early  
20 Childhood Education and Care Department Act"."

21 SECTION 2. A new section of the Early Childhood Education  
22 and Care Department Act is enacted to read:

23 "[NEW MATERIAL] NATIVE AMERICAN LANGUAGE AND CULTURE  
24 DEVELOPMENT FUND--CREATED--PURPOSES.--

25 A. The "Native American language and culture

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1 development fund" is created in the state treasury. The fund  
2 consists of appropriations, gifts, grants and donations. The  
3 fund is administered by the department, and money in the fund  
4 shall be expended only as provided by legislative  
5 appropriation. Money in the fund shall be expended by warrant  
6 of the secretary of finance and administration pursuant to  
7 vouchers signed by the assistant secretary for Native American  
8 early education and care or the assistant secretary's  
9 authorized representative.

10 B. The fund shall be used to provide funding for  
11 approved providers to administer Native American language and  
12 culture development programs provided to Native American  
13 children. The department shall promulgate rules to carry out  
14 the provisions of this section after consultation with the  
15 Indian education advisory council. The rules shall require  
16 approved providers that are not a Native American nation, tribe  
17 or pueblo to engage and consult with the nation, tribe or  
18 pueblo whose enrolled members are children being served by the  
19 approved provider.

20 C. When applying for a grant from the fund, an  
21 approved provider other than a Native American nation, tribe or  
22 pueblo shall include as part of the application a tribal  
23 resolution that allows the approved provider to provide  
24 language and culture developmental programming to the tribe's  
25 children subject to any conditions or restrictions the tribal

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1 resolution shall specify. The application shall also include a  
2 narrative on programming to be provided and ongoing tribal  
3 engagement and consultation activities planned to comply with  
4 this section.

5 D. As used in this section:

6 (1) "approved provider" means a Native  
7 American nation, tribe or pueblo located in New Mexico; a  
8 public school; or a private provider that meets the  
9 qualifications of the department; and

10 (2) "Native American child" means a Native  
11 American child under the age of five."