

LFC Requester:	Sunny Liu
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**AGENCY BILL ANALYSIS
2023 REGULAR SESSION**

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:
Original **Amendment** _____
Correction _____ **Substitute** _____

Date 01/25/2023
Bill No: HB 147

Sponsor: Rep. Derrick J. Lente
Short Title: Indian Education Fund Distributions

Agency Name and Code 305–Office of the Attorney General
Number: _____
Person Writing Delilah Tenorio, AAG
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY23	FY24		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY23	FY24	FY25		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

This analysis is neither a formal Attorney General Opinion nor an Attorney General Advisory Letter. This is a staff analysis in response to a committee or legislator's request. The analysis does not represent any official policy or legal position of the Office of the Attorney General.

BILL SUMMARY

Synopsis: House Bill 147 amends NMSA 1978, Section 22-23A-8, which establishes an Indian Education Fund in the state treasury consisting of gifts, appropriations, grants, donations, and income from investment of the fund. The bill proposes to amend this statute to provide that, beginning in 2024, 50% of all distributions made from the Indian Education fund will be distributed to New Mexico tribes. 90% of the total amount of distributions made would be provided in equal amounts to each New Mexico tribe and 10% would be provided in amounts proportional to the total number of New Mexico students served by the tribal education department within that tribe.

HB 147 also proposes to allow the department to develop procedures and rules for funding awards for school districts, charter school and other entities. The department is would be permitted to request quarterly spending reports from New Mexico tribes and enter into intergovernmental agreements for purposes of distributing the funds. Unused funds could be carried over, provided that they are used for purposes of the Indian Education Act. The act has an effective date of July 1, 2023.

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

SIGNIFICANT ISSUES

None noted.

PERFORMANCE IMPLICATIONS

None to this office.

ADMINISTRATIVE IMPLICATIONS

None to this office.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relates to House Bill 140, which also addresses tribal education funding.

Relates to House Bill 149, which also addresses tribal education funding.

TECHNICAL ISSUES

None noted.

OTHER SUBSTANTIVE ISSUES

None noted.

ALTERNATIVES

N/A.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

N/A.