

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 149

Sponsor: Derrick J. Lente
Short Title: Public Education Depart.
Native American Funding

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:

HB 149 proposes to enact a new section of the Public School Code that requires the public education department to include calculations of funds for New Mexico Indian nations, tribes and pueblos in its annual budget. HB 149 requires that the funds be calculated as set out by the constitution of New Mexico under paragraph 1 of Subsection H of Section 7 of Article 12. The formula used to calculate those funds appears in HB 149. The public education department is required to include this in its annual proposed budget. HB 149 also allows the legislature to appropriate the amounts for distribution to the public education department or the tribal education trust fund, if that fund is created during this legislative session. Finally, the effective date of HB 149 is July 1, 2025.

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.

None to this office.

SIGNIFICANT ISSUES

None.

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Other bills related to tribal education include HB 140, Tribal Education Trust Fund and HB 147-Indian Education Fund Distributions.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

None.