



2019-2022 New Mexico Legislative Session Reports

A Compilation of Reports
Issued by the New Mexico
Indian Affairs Department





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A Letter From Secretary Trujillo

Dear Honorable Tribal Leaders,

On behalf of the staff of the New Mexico Indian Affairs Department (IAD or Department), I am pleased to share this report with you. IAD leads the intergovernmental and interagency coordination of programs and matters that concern tribal governments and the State of New Mexico. The Department is charged with improving the wellbeing of Indigenous people in New Mexico and creating more effective state-tribal relations.

Every legislative session, the Department tracks legislation that is introduced and provides analysis on legislation impacting Nations, Tribes, Pueblos, and Native Americans across the state of New Mexico. Following each session, IAD compiles a report that summarizes tribally related legislation that is of interest to tribal communities and Native Americans.



This report is a compilation of the Department's reports from 2019-2022. Over the years, the Department's report changed in style and changed from outlining solely legislation signed into law to reports that outlined both legislation signed into law and legislation that did not pass. For the sake of brevity, we removed legislation that was not signed into law. Original reports may be found at: <https://www.iad.state.nm.us/policy-and-legislation/legislative-session/>.

Within the pages of this report, you will read about the historic investments in tribal communities and people during the Michelle Lujan Grisham administration and other successes for Indian Country in New Mexico. Under the leadership of Governor Lujan Grisham, we are making progress on addressing the most pressing issues of New Mexico's 23 sovereign Nations, Tribes, Pueblos.

I thank all of you - tribal leaders, constituents, and advocates who worked hard, alongside IAD staff, to ensure that each legislative session moves us closer to realizing the vision that our tribal nations, tribal communities and Indigenous people are happy, healthy and prosperous and that traditional ways of life are honored, valued and respected. My gratitude to the IAD staff for their tireless work on behalf of our tribal communities and Native people each legislative session.

The successes highlighted in this report are a result of our collective work, and I couldn't be more grateful.

Respectfully,

Lynn Trujillo
Cabinet Secretary
New Mexico Indian Affairs Department



2019 New Mexico State Legislative Session

Introduction

The 2019 New Mexico State Legislature Indian Affairs Department Policy Unit summary provides a narrative of legislation that impacts New Mexico's Indian Nations, Tribes, and Pueblos in the areas of education, natural resources, energy, cultural and community resources, health, criminal justice, veterans, and governance. With over 1,600 bills introduced in the 2019 legislation, the Indian Affairs Department policy unit conducted analysis of 85 bills for the Legislative Finance Committee and tracked more than 100 bills related to Indian communities. This summary reflects legislation signed by Governor Michelle Lujan Grisham.

Education Legislation

The 2019 legislative session was marked by a trend towards developing a multicultural and culturally appropriate educational framework and funding support for the state's public school system. A new cabinet-level Early Childhood Education and Care Department was created that includes an Assistant Secretary for Native American Early Education and Care. The Native American Student Needs Assessments bill requires school districts with a high population of Indian students to conduct needs assessments to determine the support required from school, home, and the community to assist Indian students to succeed in school, graduate, and be ready for college and careers. And lastly, after 10 years, the Lottery Fund for Tribal Colleges bill passed and was signed into law by Governor Lujan Grisham. This allows accredited tribal colleges to provide the Legislative Lottery Scholarship to qualified students. The provisions of these bills will have significant impacts for tribal communities and school districts and will require effective tribal collaboration to better serve the needs of Indian students.

- **HB 5/SB 1 - Public Education Changes**, *Rep. S. Williams Stapleton, Rep. P. Lundstrom, Rep. C. Trujillo, Rep. G. Andres Romero, Rep. R. Gonzales/Sen. M. Stewart, Sen. G. Kernan, Sen. W. Soules*
Makes changes to the public-school funding formula and sections related to school programs. The bill creates a public education reform fund.

- **HB 7 - Higher Education Centers of Excellence, Rep. M. Cadena, and Rep. T. Salazar**
Creates a Center of Excellence at four higher education institutions to promote innovation in and expand various industries: New Mexico Tech for Cybersecurity; New Mexico State University for Sustainable Agricultural Industries; San Juan College for Renewable Energy Industries; and the University of New Mexico Health Sciences Center for Bioscience Industries.
- **HB 111 - Cultural & Linguistic Education, Rep. T. Salazar, Rep. L. Trujillo, Rep. D. Lente**
Creates a new section of the Regional Cooperative Education Act that authorizes Regional Education Cooperatives to jointly apply for funding to provide technical assistance and professional development for teachers with culturally and linguistically diverse students.
- **HB 127 – College Affordability Act Changes, Rep. G. Andrés Romero**
Increases the per-student per-semester College Affordability Scholarship maximum from \$1,000 to \$1,500 and increases the annual distribution from the College Affordability Endowment Fund to the College Affordability Scholarship Fund. Makes this scholarship available to tribal colleges.
- **HB 250 - Native American Student Needs Assessments, Rep. D. Lente**
Requires school districts with high numbers of Indian students to conduct needs assessments to determine the services that school districts need to provide to Indian students to ensure graduation and be college- and career-ready. The school districts shall consult with local tribes and communities to prioritize the needs.
- **HB 589 - Community School, Early Childhood & Pre-K, Rep. E. Thomson, Rep. C. Trujillo, Rep. J. Garratt, Rep. D. Sariñana, Rep. P. Roybal Caballero**
Amends the Community School Act, expanding the purpose of community schools to address the cultural and linguistic needs of students from early childhood programs and pre-kindergarten through high school. Calls for federal, state, and tribal governments to partner with community-based organizations to improve the coordination, delivery, effectiveness, and efficiency of services, align and leverage community resources, and integrate funding streams.
- **SB 22 - Early Childhood Education and Care Department, Sen. M. Padilla, Rep. L. Trujillo**
Creates the Early Childhood Education and Care Department as a cabinet-level department. The Department will create an Assistant Secretary for Native American Early Education and Care. The Assistant Secretary will be responsible for oversight of Indian early childhood education programs, consultation with tribal governments, and collaboration with providers and community partners to provide culturally relevant education for Indian children.
- **SB 179 - Disabilities Students Lottery Scholarship, Sen. E. Stefanics**
Amends the Lottery Tuition Scholarship Act to clarify that a student who had to leave the state to receive an education pursuant to the Individuals with Disabilities Education Act is qualified to receive a Legislative Lottery Tuition Scholarship under certain circumstances. The bill provides additional college funding for qualified tribal students.
- **SB 229 - School Support & Accountability Act, Sen. M. Stewart**
Repeals the A-thru-F Schools Rating Act and replaces it with the School Support and Accountability Act. Tribal consultation is required.
- **SB 329 - Opening Public Schools on Tribal Land, Sen. L. Lopez, Rep. G. Louis**
Adds three new sections to the Public-School Code requiring the Public Education Department, school districts, and charter schools to consult with tribal leaders and school families when considering opening or closing a public school on tribal land.

- **SB 407 - Lottery Fund for Tribal Colleges**, *Sen. B. Shendo Jr.*
Amends the Legislative Lottery Tuition Scholarship Act to include scholarship funding to accredited tribal colleges. Three tribal colleges are eligible for the lottery scholarship: Navajo Technical University, Diné College, and the Institute of American Indian Arts. The Southwestern Indian Polytechnic Institute is not eligible for the scholarship funding because the Institute's tuition is provided by the federal Bureau of Indian Education.

Natural Resources Legislation

Land, water, air, plants, wildlife—these resources are all integral to the cultural and physical well-being of tribal nations and citizens. During this year's legislative session, several new acts were introduced that impact tribal nations—the Healthy Soil Act, the Wildlife Corridors Act, the Forest and Watershed Restoration Act, and the Hemp Manufacturing Act.

Lastly, a new division was created within the Economic Development Department to increase outdoor-based economic development, tourism, and ecotourism; recruit out-of-state-based outdoor recreation businesses to locate in New Mexico; promote stewardship and preservation of New Mexico's unique environment and cultural assets; and promote education about and use of outdoor recreation assets to enhance public health.

- **HB 204 - Healthy Soil Act**, *Rep. N. Small, Rep. Sen. E. Stefanics, Rep. M. Stansbury*
Creates a healthy soil education, outreach, and grant program at the New Mexico Department of Agriculture. Indian Nations, Tribes, and Pueblos are identified as eligible entities to participate in the program.
- **HB 266 - Forest & Watershed Restoration Act**, *Rep. P. Brandy, Sen. P. Wirth*
Enacts the Forest and Watershed Restoration Act and the Forest Land Protection Revolving Fund for projects on any lands in the state for on-the-ground restoration treatments, project planning, economic development programs to advance the use of small-diameter trees and wood biomass removed for hazardous fuel reduction and forest and watershed restoration, or workforce development for wood utilization projects.
- **HB 581 - Hemp Manufacturing Act**, *Rep. D. Lente*
Provides guidance regarding hemp and post-harvest hemp cooperative activities between state and tribal entities. Allows and regulates the production, testing, research, manufacturing, and transport of hemp.
- **HM 42 - Prescribed Fire Working Group**, *Rep. M. McQueen*
The Energy, Mineral and Natural Resources Division is to convene a working group to study the expansion of prescribed fire in New Mexico. Tribes have been catastrophically impacted by prescribed fires that developed into wildland wildfires. The working group will report to the appropriate interim legislative committee by July 1, 2020.
- **SB 228 - Wildlife Corridors Act**, *Sen. M. Stewart, Rep. G. Louis*
Enacts the Wildlife Corridors Act, directing the Department of Game and Fish and the Department of Transportation to prepare a wildlife corridors action plan. The Act allows for opportunities to collaborate with and enter into joint powers agreements as necessary with Indian Nations, Tribes, and Pueblos; relevant agencies or Indian nations, tribes, and pueblos in neighboring states; and relevant federal agencies to protect wildlife corridors that cross state or tribal lines.

- **SB 462 - Create Outdoor Recreation Division**, *Sen. J. Steinborn, Rep. N. Small, Rep. A. Rubio, Rep. W. Johnson, Sen. S. Neville*
Included in the Outdoor Recreation Division bill is a Special Projects and Outdoor Recreation Infrastructure Fund, which will fund the outdoor equity grant program, intended for outdoor recreation programs for low-income youth up to the age of 18.

Energy Legislation

New Mexico is ranked second in the nation for solar energy potential and tenth for wind potential. The energy legislation introduced during this session moves the state towards becoming a leader in renewable energy with the Energy Transition Act setting the path towards this goal. Other energy bills focused on providing educational and financial assistance to impacted energy workers and establishing efficient use in our current electrical systems.

- **HM 26/SM 56 - Uranium Workers Day**, *Rep. E. Alcon/Sen. J. Pinto*
Establishes February 15, 2019, as Uranium Workers Day in recognition of the contributions of uranium workers and the ongoing health and environmental impacts as a result of historical uranium industrial operations.
- **HM 71 - Study Smart, Hybrid Microgrids for New Energy**, *Rep. A. Akhi*
Smart, hybrid microgrids are modern, small-scale versions of a centralized electricity system that generate, distribute, and regulate electricity to homes and businesses, and support workforce development by requiring specialized installation and long-term maintenance. The Renewable Energy Transmission Authority will lead a task force to study the efficacy of using smart, hybrid microgrids as part of New Mexico's renewable energy portfolio. Indian Nations, Tribes, and Pueblos could be ideally suited for the development of microgrids on their lands because tribes are discrete, self-regulated communities with the ability to establish their own renewable portfolio standard, often have high electricity loads, and can create their own tribal utility authority.
- **SB 489 - Energy Transition Act**, *Sen. J. Candelaria, Rep. N. Small, Sen. M. Stewart, Rep. P. Roybal Caballero, Rep. B. Egolf*
The Energy Transition Act incrementally increases the state's renewable portfolio goal to 100 percent by 2050 and provides funding to transition the San Juan Generating Station's workforce to new jobs. The Secretaries of Indian Affairs, Economic Development and Workforce Solutions Departments will each appoint three conveners who reside in the affected communities. The conveners will appoint community members to the community advisory committee to provide recommendations on the use of three available energy transition funds: Energy Transition Indian Affairs Fund, the Energy Transition Economic Development Assistance Fund, and the Energy Transition Displaced Worker Assistance Fund. Communication and collaboration with affected tribal communities will be pursuant to the State-Tribal Collaboration Act.
- **SM 24 - Agency Support for Future Energy Careers**, *Sen. P. Campos*
The memorial requests that state agencies advance and support policies and programs that remove access barriers, improve outreach, and better align education and training programs with energy workforce needs in support of the New Mexico Energy Roadmap.

Cultural and Community Resources Legislation

Indian people have a strong connection to their cultures, religions, and ancestries through songs, dances, languages, customs, and traditions. Two memorials in the 2019 Legislative Session enhance the protection of cultural and community resources sacred to Indian people. The memorials protect cultural resources and enhance state-tribal collaboration for generations to come.

- **HM 51 - Tribal Customary Adoption, Rep. G. Louis, Rep. W. Johnson**
Requests the Children, Youth and Families Department, in consultation and collaboration with Indian Nations, Tribes, and Pueblos, to develop a tribal customary adoption plan, policies and procedures, and to make legislative recommendations for the implementation of tribal customary adoption in state courts.
- **HM 70 - Protect Native American Songs & Dances, Rep. A. Allison**
Requests the Office of the Attorney General, Cultural Affairs and Indian Affairs Departments work with Indian Nations, Tribes, and Pueblos to enhance protection of Pueblo, Navajo, Apache and Intertribal dances and songs as protected state cultural resources.

Health Legislation

There were a few significant health bills introduced this session that impact New Mexico's tribal communities. The health bills that passed in the 2019 legislation session will enhance tribal input and collaboration for the well-being of our Indian people.

- **HB 137 - County & Tribal Health Councils Act, Rep. A. Allison, Rep. E. Thompson**
The purpose of the Act is to improve the health of New Mexicans by encouraging the development of comprehensive community-based health planning councils to identify and address local health needs and priorities. The health councils shall prepare and update community health plans at regular intervals that inventory resources, identify priorities, and develop strategies to address health priorities.
- **SB 48 - Student Diabetes Management Act, Sen. M. Stewart**
Creates the Student Diabetes Management Act that directs the Department of Health to adopt and promulgate rules for the training of school employees towards the care of students with diabetes. Parents who seek diabetes care at school shall submit a diabetes medical management plan for schools to review and implement. Research shows that school-based health reduces student time away from school and increases access to health care.
- **SB 398 - Dyslexic Student Early Interventions, Sen. M. Stewart**
Requires all first-grade students to be screened for dyslexia. A student whose screening demonstrates characteristics of dyslexia and who is having difficulty learning to read, write, spell, understand spoken language or express thoughts clearly shall receive appropriate classroom interventions or be referred to a student assistant team. Early detection and intervention would benefit the students' ability to learn.
- **SB 406 - Medical Marijuana Changes, Sen. G. Ortiz y Pinto**
By March 1, 2020, the Secretary of Health shall adopt and promulgate rules relating to medical cannabis program reciprocity, which could include Indian Nations, Tribes, and Pueblos.

Criminal Justice

A November 2018 report released by the Urban Indian Health Institute identified New Mexico as having the highest number of missing and murdered Indigenous women and girls. The report showed that lack of available data on urban Indians, the need to increase effective cross-jurisdictional law enforcement coordination and communication, and the high incidence of violence against Indigenous women and girls are all major issues that contribute to this crisis. New Mexico legislators responded with two bills introduced in the house and senate and one senate memorial.

The Justice Reinvestment Initiative provided a comprehensive analysis of New Mexico's criminal justice system through data review and engagement with key criminal justice stakeholders. As part of this initiative two house bills, the Criminal Justice Reform bills, were introduced and passed. Other relevant criminal justice legislation introduced during this session focused on juvenile delinquency notice to tribes when tribal youth are involved and allowing tribal judges to participate in judicial education programs offered through the New Mexico Judicial Education Center.

- **HB 149 - Juvenile Delinquency Notice to Tribes**, *Rep. G. Louis*
Requires notice to Indian Nations, Tribes, and Pueblos in certain proceedings concerning Native American minors.
- **HB 278 - Missing & Murdered Indigenous Women**, *Rep. A. Romero, Rep. D. Lente, Rep. M. Stansbury, Rep. W. Johnson*
Creates a task force chaired by the Secretary of the Indian Affairs to study and determine how to increase state resources for reporting and identifying missing and murdered Indigenous women in the state.
- **SB 313 - Tribal Judges in Judicial Education Center**, *Sen. J. Candelaria, Sen. B. Shendo Jr.*
Authorizes the New Mexico Judicial Education Center to offer education to tribal judges along with judges working in the state and municipal court system.
- **SM 38 - Missing and Murdered Indigenous Women**, *Sen. J. Pinto*
A memorial supporting U.S. Congresswoman Deb Haaland's call for a National Investigation of Missing and Murdered Indigenous Women and Girls.
- **SM 115 - Protect Children from Violence**, *Sen. J. Pinto*
Calls for the United States and Navajo Nation to take proactive steps to protect children who are victims of violent crime and to hold perpetrators accountable.

Other Legislation

This section includes other legislation that have significant impacts to tribal communities that did not fall under the previous categories.

- **HB 6 - Tax Change**, *Rep. J. Trujillo, Rep. S. Stapleton, Rep. J. Martinez, Rep. S. Herrera, Rep. A. Maestas*
Makes multiple changes to the gross receipts tax, personal income tax, internet delivery tax, tobacco tax, and other taxes and fees. HB6 will use zip codes for internet delivery tax. It is unclear how the Taxation and Revenue Department will address the collection of taxes for internet delivery on tribal land.
- **HB 100 - Replace Columbus Day as Indigenous Peoples' Day**, *Rep. D. Lente, Rep. A. Romero*
Renames Columbus Day to Indigenous Peoples' Day.
- **SB 18 - Local Government Planning Fund**, *Sen. J. Candelaria, Rep. T. Salazar*
\$3 million appropriation made to the New Mexico Finance Authority, where tribes can apply for funds to support tribal comprehensive planning documents.



2020 New Mexico State Legislative Session

Introduction

The 2020 thirty-day legislative session took place on January 21, 2020 and ended on February 20, 2020. As with thirty-day sessions, the focus was budget and budget-related legislation. In total, 669 bills were introduced by the House and Senate. The Indian Affairs Department's policy unit analyzed over 30 bills for the Legislative Finance Committee and tracked several other bills impacting tribal communities. The following is a summary of legislation impacting New Mexico's Nations, Tribes and Pueblos signed by Governor Lujan Grisham.

- **HB 2 – General Appropriations Act, Rep. P. Lundstrom**
Appropriates \$7,596,834,000 (GF) for state government operations for FY2021. This represents a \$529 million of 7.5 percent, over FY2020. The “Public School Support” category received \$3.37 billion, including funding for the state equalization guarantee distribution and public school personnel salary increases. The appropriation also includes \$30 million for school districts and charter schools to purchase culturally and linguistically appropriate instructional materials for eligible students.
- **HB 8 – Electric Generating Facility Econ Districts – Rep. P. Lundstrom, Rep. H. Garcia, Rep. E. Alcon, Rep. D. Johnson, Rep. J. Sanchez**
Permits a county to form an electric generating facility economic district if the district includes an operating fossil fuel electric generating facility or a fossil fuel electric generating facility that has been or is in the process of being retired. Delineates the process for creating an authority to govern a district, the powers, and duties of such an authority and requirements for bonds issued by the authority. Authorizes the imposition of an excise tax by a county containing a district. Allows counties like McKinley County who closed its fossil fuel electric generating facility (Escalante) to create an electric generating facility economic district to help the industrial redevelopment of the facility and surrounding area.

- **HB 83 – Funding for Early Childhood Education and Care Programs and Services, Rep. D. Gallegos, Rep. J. Smith**
Creates funding to support Early Childhood program that consists of a trust fund received under the Federal Mineral Leasing Act and Tax Stabilization Reserve Fund.
- **HB 207 – Change Local Government Transportation Program Fund, Rep. H. Garcia, Rep. D. Johnson, Rep. A. Allison, Rep. D. Lente, Rep. E. Alcon**
Changes the Local Government Transportation Project Fund to the Transportation Project Fund and thereby allows Indian Nation, Tribe, or Pueblo projects to be funded by the project fund.
- **HB 225 – Kiki Saavedra Senior Dignity Fund, Rep. G. Armstrong, Rep. S. Herrera, Rep. K. Bash, Rep. L. Trujillo, Rep. J. Trujillo**
Creates the Kiki Saavedra Senior Dignity Fund to be administered by the Aging and Long-Term Services Department to address high-priority services for senior citizens, including transportation, food security, physical and mental health, assistance with appointments, and care coordination. Appropriates \$25 million (GF, nonrecurring) to the fund for use in FY 2021 and subsequent years.
- **HB 349 – Capital Outlay Reauthorizations, Rep. J. Martinez**
Authorizes \$422,892,207 in capital outlay project expenditures for FY 2020 through FY 2024. Declares an emergency.
- **HB 355 – Capital Outlay Projects Reauthorizations, Rep. J. Martinez**
House Taxation and Revenue Committee Substitute for HB355 reauthorizes 120 capital projects authorized in previous years from various funds. Reauthorizations of capital outlay projects range from changing the administering agency or the original purpose of the project, extending the reversion date, or expanding the purpose of the original project. The bill contains an emergency clause.
- **SB 29 – Solar Market Development Income Tax Credit, Sen. M. Stewart**
Proposes a new version of the Solar Market Development Income Tax Credit, effective for taxable years 2020 and thereafter, to replace the version that expired December 31, 2016. Main provisions are substantially similar to the expired credit.
- **SB 130 – School Credit for Transfer Students, Sen. L. Lopez**
Amends the Public-School Code to require schools to award credit for coursework by a student transferring between public schools, regardless of whether the transfer occurred at the end of a grading period. Required districts, guided by the Public Education Department, are to develop policies for award of partial credit.
- **SB 136 – Investment In NM Funds & Businesses, Sen. P. Campos**
The change in law would allow the State Investment Council to follow through on its plan to deliver approximately \$200 million of new investments into New Mexico companies and start-ups, by raising the cap on SIC investments from the Severance Tax Permanent Fund into the New Mexico Private Equity Investment Program from 9 to 11 percent. The program targets New Mexico startup companies with the potential for fast growth and job creation.



2020 New Mexico State Legislative Session - First Special

The NM Special Session started Thursday, June 18, 2020, and ended Monday, June 22, 2020. The purpose of the First Special Session was to adjust the state's budget to respond to the negative impacts that COVID-19 has had on NM's economy. By the close of the session, approximately 4% had been cut from public education, Medicaid, behavioral health, and state agency budgets. Legislation providing much needed relief to small businesses and local governments also passed. Other issues on the call included legislation addressing civil rights, police accountability and voting provisions for the 2020 general election.

- **HB 1 – Appropriations Act of 2020, Rep. P. Lundstrom**
In response to the economic impacts and reduction of General Fund revenue for FY 2020 and FY 2021, HB 1 requires a 4% reduction to all appropriations in the General Appropriation Act of 2020 (GAA) for each agency under the executive, judicial and legislative branches of government, with a few exceptions. In addition, the bill provides targeted reductions to certain agencies and programs throughout state government, including the cancellation of certain special appropriations and compensation increases for public employees that were in the GAA.
- **HB 5 – New Mexico Civil Rights Commission, Rep. B. Egolf**
Creates the New Mexico Civil Rights Commission for the purpose of evaluating and making recommendations regarding the creation of a civil right of action for violations of state constitutional rights, as well as developing policy proposals for laws for the prohibition or limitation of the use of qualified immunity by state actors. The bill requires the commission to submit a report to the Courts, Corrections, and Justice Committee by November 15, 2020. This bill creates and designates nine members to the commission, six appointed by the New Mexico Legislative Council and three by the governor, as well as establishes procedures and rules for commission members.
- **HB 6 – Temporary Tax Waivers and Distributions, Rep. C. Chandler, Rep. A. Akhil, Rep. J. Martinez, Rep. P. Wirth**
Implements several tax-related measures, including several temporary waivers for a limited period including interest and penalties for failure to pay tax liabilities for personal and corporate income taxes, withholding taxes, gross receipts and compensating taxes, property taxes, among others. HB 6 also doubles the distribution of internet GRT revenue to local governments for fiscal year 21 due to increases in online purchasing.



2021 New Mexico State Legislative Session

The Indian Affairs Department's 2021 Legislative Report provides an overview of the 2021 legislative session. This year's 60-day session was unlike any experienced before, due to the pandemic and the virtual nature of the session. Despite this, over 900 bills were introduced during the 2021 legislative session. The department tracked more than 100 bills related to Indian communities and provided analysis of 63 bills impacting New Mexico's Nations, Tribes, Pueblos, and Native Americans.

Investments in Indian Affairs Department Budget

- \$100,000 for entrepreneur training programs for Native Americans.
- \$97,600 to contract for critical resources for Native Americans living in urban and rural areas.
- \$90,000 for the pueblo empowerment program.
- \$57,600 for the missing and murdered Indigenous women and relatives (MMIWR) initiative.
- \$150,000 for suicide prevention in tribal communities.
- \$100,000 for coordination with Indian education experts for research and development regarding native language program units.
- \$75,000 to support policy and youth leadership programs at SFIS.

Education

- **SB 377 and HB 285 - Indian Education Investments & Accountability, Sen. G. Muñoz, Rep. J. Martinez**
In support of the Governor's ongoing priority of improving education for Native American students, the legislature appropriated:
 - **\$4.5 million – For tribal education departments** in each of New Mexico's twenty-three Nations, Tribes, and Pueblos to develop and implement education blueprints and governance structures, engage in collaborations with school districts and plan and deliver community-based education programs and social support services for Native American students identified in HB 85.
 - **\$4.5 million – For tribal libraries** in each of New Mexico's twenty-three Nations, Tribes, and Pueblos to develop and staff culturally and linguistically relevant after-school student services and community-based summer programs identified in HB 85.
 - **\$1,615,700 million – For tribally-based Native American language programs** to plan and develop programs; recruit, train and certify language teachers; coordinate curriculum and materials development; and develop culturally and linguistically appropriate student, teacher and program assessments and evaluations identified in HB 85.
 - **\$5 million to the broadband project** through the Santa Fe Indian School identified in HB 86 through capital outlay. Administered by IAD.

- **HB 2 - General Appropriation Act, Rep. P. Lundstrom**
Within HB 2 there were several education efforts supported in this bill:
 - **Increase the Number of Indigenous and Bilingual Early Childhood Educators**
Endowed early childhood positions at NM public and tribal institutions of higher education, contingent on matching funds. Additional funding of \$2 million is included for endowed early childhood positions: for increasing the number of Indigenous and bilingual early childhood educators. Does not have to be endowed but can hire additional staff to build the capacity of institutions to increase access. ECECD is working in partnership with HED to distribute funds. Special Appropriations Include: \$7 million in special appropriation to build capacity of state and tribal colleges to recruit and support bilingual and Indigenous educators.
 - **NM Opportunity Scholarship**
The New Mexico opportunity scholarship appropriates \$7 million to support part-time and non-traditional students who attend public and tribal institutions.
 - **Tribal College Dual Credit**
A program that allows high school students to enroll in college-level courses offered by a public, postsecondary educational institution or tribal college that may be academic or career-technical, but not remedial or developmental, and simultaneously earn credit toward high school graduation and a postsecondary degree or certificate. Amount of funding available: \$263,900; tribal colleges will receive these funds for their dual credit programs with secondary schools in New Mexico.
 - **Tribal Library Grants**
Department of Cultural Affairs received funding in their budget for grants to tribal libraries.
- **HB 6 - Impact Aid, Rep. P. Lundstrom, Rep. B. Egolf, Rep. H. Garcia, Rep. D. Johnson**
Gives districts with federally-impacted land access to more than \$60 million to better serve their students. It also requires transparency and accountability for the use of discretionary funds.
- **HB 22 - The Grow Your own Teachers Act, Rep. J. Garratt, Rep. M. Padilla, Rep. R. Lara, Rep. N. Figueroa, Rep. M. Stansbury**
HB 22 amends the grow your own teachers act signed in 2019 by Governor Lujan Grisham to expand the definition of who may qualify for the scholarship program and permit all educational assistants, regardless of scholarship awardee status, to seek professional leave toward the completion of a four-year teaching program. \$500,000 investment.
- **HM 26 - Develop Education Plan for Yazzie Lawsuit, Rep. D. Lente**
Directs PED to prepare an annual report to the legislature on implementation of the comprehensive education plan.
- **HJR 1 - Permanent Fund for Early Childhood Education, Rep. A. Maestas, Rep. J. Martinez, Rep. L. Thomson, Rep. G. Louis, Rep. P. Campos**
Proposes an amendment to the New Mexico constitution to allow the land grant permanent fund to distribute 1.25 percent to early childhood (60% to early childhood; 40% to K-12). This proposed amendment will be on the ballot and decided on by New Mexico voters.
- **SB 17 - Family Income Index, Sen. M. Stewart**
Creates a pilot program to target additional funds to schools serving large populations of very low-income students.
- **SB 80 - No School Discrimination for Hair, Sen. H. Pope, Sen. L. Lopez, Sen. A. Lopez, Sen. B. Shendo, Jr., Sen. S. Pinto**
Prohibits discrimination against students for wearing traditional hairstyles, including braids and religious and cultural headdresses.

Tribal Capital Outlay — IAD, DOT, ALTSD, HED

- **HB 285 - Capital Outlay, Rep. J. Martinez**
Tribal infrastructure investments for selected projects that were submitted to the Governor and the legislature through capital outlay.
 - Investments administered through the IAD: 148 projects totaling \$49,039,582.
 - Investment through other agencies: 26 projects totaling \$9,070,536.
 - Total Projects Funded: 174 projects.
 - Total State Investment in Tribal Infrastructure: \$58,110,118.

Broadband Access

- **HB 10 - Connect New Mexico Act**, *Rep. N. Figueroa, Rep. J. Garratt, Rep. S. Herrera, Rep. C. Sweetser, Rep. C. Chandler*
Creates and defines duties for the broadband development division in the Department of Information Technology (DoIT) to streamline the efforts of state, local, federal, and tribal entities in broadband programs and development. Requires several state agencies to cooperate with the division. This bill establishes the Connect NM Fund and creates a Connect NM Council that requires three members representing tribal governments, appointed by the Indian Affairs Department.
- **SB 93 - Statewide Digital Access & Broadband**, *Sen. M. Padilla, Sen. E. Stefanics*
Establishes the office of broadband access and expansion to create and implement a three-year statewide broadband plan to systematically reduce the digital divide.

Voter Participation

- **HB 231 - Requiring Tribal Agreement for Consolidating, Closing Native American Polling Locations**, *Rep. G. Louis, Rep. D. Johnson, Rep. D. Lente, Rep. A. Allison, Rep. B. Shendo, Jr.*
Provides protections for polling locations in an Indian Nation, Tribe, or Pueblo land and requires an agreement from a Native American governing body before polling locations on Native American land can be closed or consolidated.

Civil Rights

- **HB 4 - Civil Rights Act: Qualified Immunity**, *Rep. G. Louis, Rep. B. Egolf, Rep. J. Cervantes*
Cited as the New Mexico Civil Rights Act, this bill establishes the right of an individual to bring a claim against a public body or anyone acting on behalf of a public body for violation of constitutional rights, privileges, or immunities.

Workforce & Economy

- **SB 112 - Sustainable Economy Task Force**, *Sen. M. Stewart*
Creates the Sustainable Economy Task Force of 24 members, administratively attached to the Department of Finance and Administration, to develop annual strategic plans to transition the state economy away from reliance on natural resource extraction. Directs each cabinet secretary to implement the strategic plans. Allows for eight representatives from tribal governments, appointed by the Indian Affairs Department. Secretary of IAD is a voting member of the task force.
- **HB 11 - GRT and Permanent Fund for LEDA Projects**, *Rep. C. Chandler, Rep. B. Egolf*
Provides for “recovery grants” of up to \$100,000 for small businesses with declines in business in 2020 over 2019. Allows portions of state and local gross receipts and compensating tax receipts to be dedicated for public support of certain economic development projects. Declares an emergency.

ENERGY

- **SB 84 - Community Solar Act**, *Sen. E. Stefanics, Sen. L. Lopez, Sen. P. Roybal Caballero*
Authorizes community solar projects and provides for the development and operation of community solar facilities within the service territory of investor-owned electric utilities and, on an opt-in basis, of rural electric cooperatives.

Environment

- **HB 76 - Air Quality Permit Denial**, *Rep. C. Chandler, Rep. L. Serrato*
Amends the air quality control act to allow the Department of Environment to deny any permit application or revoke a permit based on applicant’s specific acts constituting poor enforcement history; requires permit applicants with certain exceptions to file disclosure statements.

Wildlife

- **SB 32- Wildlife Conservation and Public Safety Act**, *Sen. R. Gonzales, Sen. B. McKenna, Sen. M. McQueen, Sen. C. Chandler*
Proposes the wildlife protection and safety act to prohibit use of traps, snares or poison on public land and provides exceptions.



2021 New Mexico State Legislative Session - Special Sessions

The First Special Session was announced by Governor Lujan Grisham shortly after the 2021 Legislation ended. The legislature met for two days on March 30 and 31, 2021 and passed four bills that were signed by the governor into law. Two notable bills included the Cannabis Regulation Act and the Local Economic Development Act (LEDA) that allows a portion of state and local gross receipts and compensating taxes to be used for LEDA projects.

- **SB 1 - Local Economic Development Act, Sen. S. Hemphill, Sen. R. Griggs, Sen. C. Chandler, Sen. J. Harper**
Amends the state's Local Economic Development Act to add gross receipts tax sharing for large economic development projects. The bill allows 50 percent of some state and local gross receipts tax and compensating revenue from large LEDA projects (over \$350 million in construction and infrastructure costs) to be placed into the LEDA fund to help with recruitment of those large projects.
- **HB 2 - Cannabis Regulation Act, Rep. J. Martinez, Rep. A. Romero, Rep. D. Armstrong, Rep. K. Duhigg, Rep. L. Lopez.**
Decriminalizes the possession, use, production, transportation, and sale of commercial cannabis for nonmedical adult use and creates a regulatory and taxation structure. Creates the cannabis control division and directs them to promulgate rules for licensing and regulating commercial cannabis activities no later than January 1, 2022. The legislation provides for a cannabis regulatory advisory committee of which the superintendent of RLD shall appoint one member of a Pueblo, Tribe, or Nation with relevant expertise. Provides for the department to enter into intergovernmental agreements with tribal governments to coordinate cross jurisdictional administration of state and tribal laws related to cannabis.

2021 NEW MEXICO STATE LEGISLATIVE SESSION—SECOND SPECIAL

Governor Lujan Grisham announced the Second Special Session to finalize and approve new legislative district maps. The legislature convened on December 6, 2021 and recessed on December 10, 2021. In addition to redistricting, the session also focused on general appropriations as it relates to distribution of American Rescue Plan Act (ARPA) funds. Notably, the distribution of ARPA funds included \$10 million to the Public Education Department to plan, design, construct, renovate and equip libraries and broadband infrastructure for Native American communities statewide.



2022 New Mexico State Legislative Session

INTRODUCTION

The 2022 New Mexico Legislative Session provided a platform to address several pervasive and longstanding issues faced by the state's 23 Nations, Tribes, and Pueblos. From acknowledging the several hundred missing and murdered Indigenous women and relatives whose cases remain unsolved, to recognizing the scarce funding for Indigenous linguistic and cultural education, native issues made up some of the session's most critical topics. As a result of strong advocacy and input from tribal and community leaders and legislators, we were able to leverage this needed attention, and the current state of New Mexico's budget, to begin to resolve key issues legislatively.

The New Mexico Indian Affairs Department's 2022 Legislative Report highlights successes of tribal communities and Indigenous peoples from the 2022 Legislative session. This year's thirty-day legislative session took place on January 18, 2022, to February 17, 2022, in both an in-person and virtual capacity due to the ongoing COVID-19 pandemic. The primary focus of the thirty-day session was budget and budget-related legislation. Despite the 2022 Legislative Session's hybrid nature, 642 bills were introduced during the session. The Department tracked more than 50 bills and provided analysis of 36 bills impacting New Mexico's Nations, Tribes, Pueblos, and urban Indian communities. This report summarizes tribal-related legislation and provides an overview of state investments that will positively impact tribal communities signed into law by Governor Lujan Grisham.

INFRASTRUCTURE

This legislative session, the Lujan Grisham administration secured another historic infrastructure investment of over \$70 million for tribal governments, tribal entities, and tribal colleges. The funding will be administered by departments across the cabinet including Indian Affairs Department, Aging and Long-Term Services Department, Department of Transportation, Higher Education Department and more.

Tribal Infrastructure by Category	Sum of Amount Funded
Children & Family Facilities (domestic violence shelters, daycare etc.)	\$2,900,000
Community Facilities	\$6,718,000
Cultural Facilities (libraries, museums, arts, etc.)	\$3,756,000
Health Facilities	\$200,000
Higher Education	\$13,295,000
Highways, Roads & Bridges (streets, overpasses, drainage, lights, etc.)	\$4,583,000
Housing	\$4,055,000
Law Enforcement & Public Safety	\$3,197,037
Military & Veterans	\$375,000
Parks & Recreation Facilities	\$4,215,600
Public Buildings & Equipment (govt offices, rest areas, fair facilities, etc.)	\$5,218,000
Schools (education facilities other than higher education)	\$7,729,017
Senior Citizens	\$2,636,237
Telecommunications	\$300,000
Transportation (airports, railroads, buses, vehicles, etc.)	\$182,000
Utility & Waste (water lines, sewer, power, landfills, treatment, etc.)	\$11,945,446
Water & Irrigation (rivers, dams, acequias, conservation, water wells)	\$2,543,530

Indian Affairs Department (IAD)

The Indian Affairs Department was successful in securing budgetary increases to support new and existing Indian affairs programs. Additionally, two bills sponsored by IAD, SB 12 and SB 13, were passed by the legislature and signed by the Governor.

Budget

This legislative session, IAD was successful in receiving a 29.1% increase to our budget.

With the advocacy and support of our tribal leaders, IAD secured 4 new FTEs for our department. These four FTEs will help build our capacity so that we can better advocate for our tribal nations and do more work to support tribal communities.

In particular, the four FTEs include two positions within our Administrative Services Division that will enable us to provide more training to our tribal partners and ensure that capital outlay, TIF, and special appropriations money is spent down. In the Office of the Secretary, we will have new positions to support tribal consultation as well as a suicide prevention specialist who will support the implementation of new behavioral health programs.

In addition to the base increase in our budget and the increased staffing, we received funding for the following initiatives of the department:

Bills

Native American women face extremely high rates of violence, an epidemic which is marked by the lack of data around the number of women who go missing or are murdered in and outside of reservations.

In 2019, the Legislature and Governor Michelle Lujan Grisham assigned the Indian Affairs Department to establish and lead the Missing and Murdered Indigenous Women and Relatives (MMIWR) Task Force. The task force reported its findings and recommendations to Governor Lujan Grisham, the legislative council service library, and the appropriate legislative committees.

On May 5, 2021, Governor Lujan Grisham extended the task force's work through Executive Order 2021-013. The task force is comprised of representatives from across Tribal Nations, including state legislators and community partners.

Senate Bill 12 and Senate Bill 13 are legislative recommendations from Missing and Murdered Indigenous Women and Relatives (MMIWR) Task Force focused on increasing collaboration with tribal governments, tribal law enforcement, and the United States Department of Justice to determine how to address the MMIWR crisis by creating partnerships and improving processes for reporting and investigating cases while supporting families and communities with resources.

- **Senate Bill 13: Missing in New Mexico Day**

Senate Bill 13 (SB13), sponsored by Senator Linda Lopez and Representative Andrea Romero, amends the Missing Persons Information Clearinghouse statute to include hosting the "Missing in New Mexico Day." The amendment and establishment of this day will ensure the continuity of this event and will allow more resources to be directed to this critical division within the Department of Public Safety (DPS) and families that are impacted by this crisis.

New Mexico will be the first state to require the Missing Persons Clearinghouse to host this event annually.

The Missing in New Mexico Day event focuses on missing persons and supports families by bringing public safety resources to one location so missing person reports can be filed, families can speak to an investigator, or update an existing report with information that was not available when the initial report was taken. Most importantly, families would be able to provide biometric data such as DNA, fingerprints, images which support the identification of unidentified and unclaimed persons. In addition, this event will bring community together to receive training about missing persons investigations and the various resources available to families and communities.

This event will be hosted by the DPS' Missing Persons Clearinghouse in collaboration with the National Missing and Unidentified Persons System (NamUs) and other partners. State, federal, municipal, county, and tribal governments, and law enforcement agencies will be invited and encouraged to participate.

- **Senate Bill 12: AG Office For Missing Indigenous Persons**

Senate Bill 12 (SB12), sponsored by Senator Shannon Pinto and Representative Pamela Herndon, was crafted in response to existing problems in the effective investigation and prosecution of MMIWR cases highlighted in the 2020 MMIWR Task Force Report. Checkerboard jurisdictional obstacles and lack of specialization in these cases are an impediment to justice for victims, survivors, and their families.

In New Mexico, there are over a hundred law enforcement agencies, over a dozen prosecution entities, and twenty-three sovereign tribes in addition to the State of New Mexico and the federal government. In some parts of the state, land status varies mile to mile affecting response time, investigation, and prosecution. Effectively coordinating investigations between these jurisdictions is necessary for improving outcomes on cases involving missing and murdered Indigenous people.

SB12 closes jurisdictional loopholes between federal, tribal, and state law enforcement and prosecution of MMIWR cases by ensuring effective case management with specialists trained in cultural competency, law enforcement reporting, and missing persons casework.

CRADLE TO CAREER

With Indigenous people representing nearly 11% of New Mexico's population, Native American culture and language deserves equitable footing in our education system. Thankfully, several bills passed this session to address this disparity and support Indigenous education and curriculum, from early childhood to higher education.

Early Childhood Education and Care Department (ECECD)

Through the General Appropriations Act, the ECECD secured 1 FTE grants coordinator to work directly with our sovereign nations under the leadership and direction of Assistant Secretary Jovanna Archuleta. This position will help ECECD secure grants and support grants management and development.

Also, through the General Appropriations Act, ECECD secured for the first-time tribal investment funds from the Early Childhood Trust Fund in the amount of \$1,575,000, which will go towards:

- Contractual services to support a range of infrastructure and workforce needs identified through government-to-government consultation.
- Grants directly to tribal governments to increase access to Home Visiting, Early Intervention services, and Families First.
- Grants directly to tribal governments to provide technical assistance, phased planning, curriculum, and identified needs.

Public Education Department (PED)

PED secured significant funding increases in House Bill 2 (HB2) to support Indian education, Indigenous language and culture preservation, and implementation of the Indian Education Act (IEA). The following are highlights of select items in HB2 for Indian education:

- \$15 million for the Indian Education Fund -- triple the appropriation from last year (FY22).
 - Recurring IEA fund to support Tribal Departments of Education, School Districts, and Charter Schools that serve a significant number of Native American Students.
 - Indigenous Language and Culture programs, Indigenous Educator Pathways, community-based education programs, among others.
- \$1.25 million to fund salary equity for Indigenous language and culture teachers certified by Tribes, Nations, and Pueblos (520 certificate holders). This PED budget initiative will fund House Bill 60.
- \$2 million for tribal libraries for the purposes of planning and designing.
- Additional funding was secured for Tribal Departments of Education to partner with school districts and charter schools to offer K-12 plus programs for Native American students.
- In addition to HB2, school districts and charter schools may enter into an agreement with tribes to count up-to 30 hours as school time for cultural ceremonies, dances, and feast days.

The following appropriations are specific funding allocations for school districts and charter schools to address the Yazzie/Martinez rulings:

- \$5.1 million for Indigenous, multilingual, multicultural, and special education programs.
- \$15 million for at-risk interventions for students prioritized to schools with the highest Family Income Index that provide supplemental, evidence-based services for at-risk students.
- \$10 million for educational technology and staffing.
- \$13.3 million for public and charter schools including tribal charter schools to increase community-based extended learning- increasing time for students to engage in learning with their teachers.

Higher Education Department (HED)

- **Senate Bill 140: Opportunity Scholarship Act**

As a priority of Governor Lujan Grisham, Senate Bill 140 (SB140), which is sponsored by Senators Stefanics and Senator Garratt, permanently expands the option of tuition-free college to New Mexicans pursuing career training certificates, associate degrees, and bachelor's degrees at a New Mexico public or tribal college or university. It is the first state scholarship program in New Mexico to consider students pursuing career training certificates.

HB 2 appropriates a total of \$216.6 million that includes:

- \$75 million for the New Mexico Opportunity Scholarship, which will provide tuition-free college to as many as 35,000 New Mexicans attending the state's 29 public colleges and universities starting Fall 2022 under the most wide-reaching and accessible tuition-free college program in the United States.
- \$130 million for the New Mexico Lottery Scholarship to ensure sustainability of the program in covering full tuition for the next four years for more than 15,000 recent high school graduates each year pursuing associate and bachelor's degrees full-time at New Mexico's 29 public colleges and universities.
- \$5 million for the Teacher Loan Repayment program to provide much-needed student debt relief for more than 600 New Mexico Teachers working in high-need focus areas and schools.
- \$5 million for the Teacher Preparation Affordability Scholarship to support up to 1,400 students pursuing degrees leading to teacher licensure.
- \$1.6 million for the Health Professional Loan Repayment program to provide student debt relief for over 60 healthcare professionals working in high-need health fields and communities.

Programs and Initiatives Supporting Native American Students and Faculty

- Governor Lujan Grisham's Food, Farm, and Hunger initiative directs \$1 million toward hunger relief projects and services for students on college and university campuses.
- \$250,000 for developing a Teacher Education Consortium to build a structure and system of colleges, universities and faculty members that offer necessary courses for students to meet the requirements of a bilingual teaching license. A consortium can help harness the support and expertise for the bilingual educator pipeline and teacher preparation.
- \$263,900 for the Tribal College Dual-Credit Program
- \$250,000 for the Native American Studies Program at the University of New Mexico (UNM)
- \$185,400 for the Southwest Indian Law Clinic at UNM
- \$250,000 for the American Indian Summer Bridge Program at UNM
- \$1.05 million for Tribal Education Initiatives at UNM-Albuquerque
- \$5 million for endowed positions in the Native American Studies Program at UNM
- \$100,000 for Tribal Education Initiatives at UNM-Gallup
- \$88,100 for the Native American Suicide Prevention program at UNM Health and Sciences Center (HSC)
- \$240,500 for the Center for Native American Health at UNM HSC
- \$200,000 for Tribal Education Initiatives at New Mexico State University (NMSU)
- \$100,000 for Tribal Education Initiatives at NMSU-Grants
- \$255,700 for the Indian Resources Development Program at NMSU
- \$200,000 for Tribal Education Initiatives at New Mexico Highlands University (NMHU)
- \$209,900 for the Native American Social Work Institute at NMHU
- \$150,000 for the Native American Student Center at Northern New Mexico College (NNMC)
- \$100,000 for Tribal Education Initiatives at San Juan College

Total: \$9.89 million

Capital Projects

- \$2.1 million for waterline and roof improvements at SIPI
- \$120,000 for renovations on the Diné College's Math and Science Building
- \$150,000 for information technology upgrades at the UNM Indigenous Planning and Design Program

Total: \$2.37 million

Additional Funding for Programs and Initiatives

- \$150 million to strengthen workforce pipelines, including support for nurses, educators, social workers, healthcare, and other specialized areas.
- \$15.9 million to support the dual-credit program, adult education programs, literacy programs, and other programs to support New Mexicans from cradle to career.

Native Families and Elders

Legislation affecting Native families and elders was passed during this session. This includes the New Mexico Food, Farm and Hunger Initiative, which invests in expanding the state's food system and access to nutritious affordable food, as well as initiatives sponsored by the Children, Youth, and Families Department and Aging and Long-term Services Department.

- **New Mexico Food, Farm and Hunger Initiative**

Governor Michelle Lujan Grisham secured \$24 million for the New Mexico Food, Farm, and Hunger Initiative, a funding plan that will revolutionize New Mexico's food system and expand effective federal and state nutrition programs, ensuring that thousands of food-insecure New Mexicans have access to healthy meals.

This is the largest investment increase in food and agriculture in recent state history. The initiative includes over \$24 million to support and expand statewide food and hunger initiatives administered across eight state agencies. The administration's proposed funding will deliver critical support to food banks and hunger relief organizations throughout New Mexico, in addition to expanding the state food system by providing additional resources for local agricultural producers to grow more food. Highlights of the New Mexico Food, Farm, and Hunger Initiative include:

- Meal Gap Funding, which will fund food bank assistance to an additional 150,000 New Mexicans across the state, including children and seniors experiencing food insecurity in high-need counties.
- New Mexico Grown, which will enable 260,000 New Mexicans to eat locally produced fruits and vegetables, meat, nuts, and other foods in schools, senior centers, and preschools.
- Summer and After school Nutrition Support, which provides start-up and expansion grants to help address child food insecurity during the summer months and at other times when school meals are not available.
- The College Food Security Initiative, which provides grab-and-go healthy meals, low cost or free access to campus dining plans, campus food pantries, and/or innovations to food distribution systems to support 15,500 food insecure students.
- Double Up Food Bucks, which provides dollar-for-dollar incentives for more than 46,000 SNAP participants to purchase New Mexico-grown fruits and vegetables at grocery stores, farmers' markets, farm stands, and mobile markets.
- The Fruit and Vegetable Prescription Program, which provides individuals in rural communities with weekly vouchers to buy fruits and vegetables from New Mexico producers.
- The Healthy Soils Program, which will promote and support an additional 64 land management projects that improve the health, yield, and profitability of the soils of the state.
- The Food Security Innovation Grant Program, which will provide funding for infrastructure improvements for New Mexico's food system, including cold storage, transportation, and kitchen equipment for preparing and serving meals.

Children, Youth, and Families Department (CYFD)

- **HB 135 Indian Family Protection Act**

HB135, the Indian Family Protection Act (IFPA), was sponsored by Representative Louis, Senator Ivey-Soto, and Representative Cadena. The enactment of this bill will enable the State to protect the rights of Native American children, families and tribes by codifying and expanding the federal Indian Child Welfare Act (ICWA) in New Mexico law. CYFD reports that American Indian/Alaskan Native children are four times more likely to be removed from their families. The removal of American Indian/Alaskan Native children usually results in a disconnect from their extended families, their tribal communities, and their cultural identity. HB135 provides a process that protects the connection of Indian children to their family and their tribe.

The enactment of IFPA is critically important now because ICWA is under attack nationally. Recent court cases like *Brakeen v. Haaland*, No. 18-1149 (5th Cir. 2021), challenge the constitutionality of ICWA. By codifying ICWA in state law, New Mexico may continue ICWA's protections for tribes, Indian children, and their families, even if the cases challenging the federal ICWA are successful. Many states have passed comprehensive state versions of ICWA: California, Iowa, Michigan, Minnesota, and Oklahoma are among them.

CYFD also received \$50,000 for the CYFD Office of Tribal Affairs to provide training related to Indian Family Protection Act.

Aging and Long-term Services Department (ALTSD)

The ALTSD had several wins in the General Appropriations Act that will support tribal elder services across the state.

The most impactful gain is the addition of 4 FTEs to the Office of Indian Elder Affairs (OIEA) to provide for technical training and support for existing programs, data reporting systems, as well as the development of senior center, adult day care, and home and community-based service programs.

The Kiki Saavedra Senior Dignity Fund (KSSDF) authorizations have been cleared for distribution. Last year's legislative language did not allow for the utilization of the funding. The language has been corrected, and the Pueblos of Taos and Santa Ana will each receive a grant to develop an adult day care center starting July 1, 2022-June 30, 2025, utilizing KSSDF funding.

The Kiki Saavedra Senior Dignity Fund was created as a non-reverting fund to address high priority services for senior citizens in New Mexico including transportation, food insecurity, physical and behavioral health, case management, and care giving. The goals of the fund are to increase access for seniors and adults with disabilities, including veterans, to specialty vehicles and specialty physical and behavioral health care not always provided in rural areas; assistance with appointments and meals in underserved areas of the state; and care coordination through community health workers.

Taxation and Revenue Department (TRD)

- **House Bill 132: Interest Rates for Certain Loans**

House Bill 132 (HB132), sponsored by Representative Susan Herrera, Representative Brian Egolf, Representative Joy Garratt, Representative Phelps Anderson, and Representative Damon Ely, caps interest rates on short-term loans. House Bill 132 would reduce the maximum annual interest rate on installment loans from 175 percent to 36 percent.

Small lenders are often located near tribal communities. Small lenders within the state "outnumber McDonalds with 561 small lenders." That is approximately one small lender for every 4,000 people. Nearly 60% of all small lenders are located within 15 miles of tribal boundaries. This demonstrates that small lenders are targeting Native people, working families, and young Native people. In McKinley County, there is a population of 71,367 people. In 2020, McKinley County generated 69,618 loans which is almost a 1:1 person to loan ratio. The small lenders usually lend at the highest allowable interest rate. More than 50% of their generated loans have an interest rate between 100% - 175%. This data comes from the document "High Interest Lenders" by the NAVA Education Project.

Tribal Economies

Native American-owned businesses and tribal economies will benefit from legislation secured during the session under the General Services Department and the New Mexico Department of Agriculture.

General Services Department (GSD)

- **Senate Bill 39 - Veteran and Native American Procurement Preferences**

As part of the Lujan Grisham Administration's broader Buy New Mexico initiative, Governor Lujan Grisham signed into law SB 39 which enables Native American-owned businesses operating on tribal land in New Mexico to be eligible to receive in-state preference, helping these businesses thrive and create jobs.

Under the previous law, businesses operating on Native American land in New Mexico do not qualify as certified New Mexico resident businesses. And like other minority-owned businesses, Native American-owned businesses have historically been under-represented in public sector contracting. These factors put Native American-owned businesses at a disadvantage for obtaining capital, increasing revenue and pay and expanding and creating jobs. SB39 corrects this issue so that Native American-owned businesses have the same opportunities as other businesses when it comes to securing state contracts.

Senate Bill 39 (SB39), sponsored by Senator Benny Shendo, Jr., amends the Procurement Code to:

- Increase the bidding preference of New Mexico businesses seeking state and local government contracts from 5% to 8%;
- Allow, for the first time, Native American-owned businesses operating on tribal land to qualify as certified New Mexico resident businesses and receive the same bidding preference as other in-state companies;
- Renew the 10% bidding preference for certified New Mexico resident veteran businesses, which is due to expire June 30, 2022, without action by the Legislature to extend it; and
- Double the cap on New Mexico veteran-owned businesses receiving the 10% bidding preference from those with annual revenues up to \$3 million to those with annual revenues up to \$6 million.

- **House Bill 167 - Tribe & Pueblo Car Excise Tax Credit**

New Mexico tribes want equity with other states when it comes to the credit against tax on vehicles purchased within their territory. House Bill 167 (HB167), sponsored by Representative Georgene Louis and Representative Jason Harper, enables tribes to attract auto dealerships to do business with them. HB167 may expand economic opportunities for tribal governments and bring more business to the state. Increasing tribal economic opportunities will benefit the state by increasing purchases in New Mexico while supporting tribal economic development.

Presently, an excise tax is imposed upon the sale of every vehicle in the state. New Mexico's current rate for the motor vehicle excise tax is 4% and is applied to the price paid for the vehicle. Vehicles purchased out-of-state that had taxes levied in that out-of-state transaction can credit the taxes paid to the state taxes owed on that same vehicle. HB167 would apply this same concept to vehicles purchased on tribal lands so when the vehicle is registered with the motor vehicle division the taxes paid to the tribal government can be credited to the taxes due to the state.

New Mexico Department of Agriculture (NMDA)

Through the general appropriations act the NMDA secured an estimated \$800,400 for the following initiatives:

- The Southwest Border Food Protection and Emergency Preparedness Center)- New Mexico agriculture faces a myriad of omnipresent threats including agroterrorism, foreign animal diseases, and natural hazards such as winter storms and prolonged drought. This necessitates ongoing training and collaboration to ensure response readiness and awareness. This appropriation builds on the Center's success in developing buy-in from local, tribal, regional, and national entities and diverse stakeholders.
- To expand the Marketplace and Economic Development -Expansion of Value-Added Ag and Economic Development Operations – The increase in program and operational budgets will improve the Marketing and Development team's ability to support New Mexico food producers, processors, restaurants, and agribusinesses. This is accomplished through a marketing plan focused on enhancing market share in existing markets and/or development of new markets.
- The State Chemist Laboratory- The State Chemist Laboratory operates primarily as a regulatory lab providing analytical support of statutory mandates. This laboratory provides chemical analysis for departmental regulators to ensure New Mexico's citizens receive products meeting labeling guarantees and that are not adulterated. The protections provided include those who use animal feed (including pet food), commercial fertilizers, and commercial pesticides.

Water and Environment

This administration is committed to ensuring sustainability and equity in tribal access to clean water and a clean environment. This legislative session, several initiatives were enacted to support water and environment protections.

Office of the State Engineer (OSE)

Water issues received substantial attention during the 2022 Legislative Session. In total, water legislation and the Governor's water initiatives resulted in significant victories for tribes. Under legislation passed during the session, the OSE/ISC recurring operating budget is poised to grow, with most of the growth funding new positions for new and existing efforts that were largely in alignment with the expansions sought by the Executive that included staff for the 50-Year Water Plan.

Among the initiatives receiving expanded staffing were Indian Water Rights Settlements, acequia assistance, and Water Data Act implementation. While the Legislature did not adopt the Executive's recommendation to use \$6.4 million of General Funds to more fully unwind agency operating budget reliance on the trust funds, the Legislature did take a meaningful step in that direction by reducing operational reliance by \$2.9 million. This would help with long term sustainability of agency funding and may allow a portion of the trust funds to be re-directed toward the fund's intended purposes.

House Bill 2 and Senate Bills 48 and 212 also included a substantial amount of one-time non-recurring and capital appropriations to OSE/ISC. Also included are several appropriations that would assist the agency in its operational efforts including:

- \$42.6 million for the Aamodt settlement
- \$30.3 million for drought mitigation projects
- Over \$9 million for litigation and litigation avoidance efforts
- \$2.1 million for surface and ground water measurement stations
- Appropriations to support the 50-Year Water Plan, dam safety, acequia projects, and Water Data Act implementation.

Environment

- **House Bill 164: Uranium Mines Cleanup**
House Bill 164 (HB164) Uranium Mines Cleanup, sponsored by Representative Debra M. Sarinana, Representative Anthony Allison, Representative D. Wonda Johnson, and Senator Jeff Steinborn, requires the New Mexico Environment Department to work to clean up and reclaim former uranium mine and mill sites. HB164 also creates the Uranium Mine Revolving Fund.
- **Senate Bill 37: Public Project Revolving Fund Appropriations To The Drinking Water State Revolving Loan Fund, The Wastewater Facility Construction Loan Fund And The Cultural Affairs Facilities Infrastructure Fund**
Senate Bill 37 (SB37) appropriated the needed state match for federal allocations to the state's Clean Water and Drinking Water State Revolving Funds, which are available to support tribal water and wastewater infrastructure projects. Specifically, SB37 appropriates \$2,500,000 to the CWSRF administered by NMED. NMED will use the funds as the required state match to leverage \$16,640,000 in estimated federal funds to be deposited into the CWSRF from the regular federal allocation plus the funds from the Bipartisan Infrastructure Law to be used for loans and combined grant and loan funding packages for eligible infrastructure projects in communities. Of the approximately \$16,640,000 in federal funds, the State will be allowed to utilize approximately \$7,450,000 for grant subsidies for a combination of grant and loan funding packages, depending on the exact final federal allotments. Eligible projects include wastewater facility projects, nonpoint source water pollution control projects, and watershed projects that meet the criteria of the Clean Water Act. The matching funds are requested annually for this purpose. To inquire about funding for an infrastructure project, contact NMED's Construction Programs Bureau at NMENV-cpbinfo@state.nm.us or 505-469-3459.

Behavioral Health

The 2022 Legislative Session produced numerous behavioral health wins for the state of New Mexico. Under Governor Lujan Grisham's leadership, behavioral health has been and remains a top priority, especially during the ongoing COVID-19 pandemic. This session's wins will benefit and expand both the state and tribal nations' behavioral health efforts.

HB 2: General Appropriations Act

Through the General Appropriations Act (HB2), the state secured the following appropriations:

- \$10 million from the American Rescue Plan Act (ARPA) for people experiencing homelessness through the Department of Finance Administration;
- \$270,000 for the Behavioral Health Collaborative (including for the five tribal local collaboratives);
- \$2.2 million for suicide prevention through Department of Health Garret Lee Smith Grant (for public service announcements, social media, and trainings);
- \$277,000 for Native American services through the Human Services Department;
- \$3.3 million for Infant Mental Health through the Children, Youth, and Families Department (where several tribal nations are participating);
- \$7.3 million for crisis shelter for youth (including for 2 Native American crisis shelters);
- \$3.3 million for domestic violence, including for the Native American Coalition;
- \$50 million from ARPA to expand enrollment and graduates for Behavioral Health and Child Welfare; and
- As previously mentioned, over \$500,000 for suicide prevention through the Indian Affairs Department and \$15 million for behavioral health interventions for at-risk students through the Public Education Department

988 National Initiative

The Human Services Department's (HSD) secured appropriations which will support its ongoing initiatives, including the 988 national initiative. In response to the National Suicide Hotline Designation Act of 2020, the state is in the process of planning for the implementation of 988 in New Mexico. The 988 national initiative is designed to build a comprehensive response for mental health, substance use, and suicidal crises that is as robust as the 911 emergency response system. Once fully operational, the 988 phone number will integrate our state's two current 24/7 crisis call hubs with community mobile crisis outreach units, and crisis receiving facilities, to connect all New Mexicans from the point of crisis to the appropriate level of care. To learn more about this new initiative, please visit the following website: <https://www.vibrant.org/988/>.

Since March 2021, the HSD's Behavioral Health Services Division (BHSD) has facilitated monthly stakeholder meetings and work groups. A tribal work group was formed to address the needs of tribal communities in the implementation of 988. The BHSD continues to request tribal EMS/Fire/Behavioral Health Directors and/or leadership representation at the monthly 988 stakeholder meetings.

- **House Bill 52: Harm Reduction Act Amendments**

House Bill 52 (HB52) Harm Reduction Act Amendments, sponsored by Representative Tara L. Lujan, Representative Dayan Hochman-Vigil, Representative Katy M. Duhigg, Representative Christine Chandler, and Senator Linda M. Lopez, amends the Harm Reduction Act to expand supplies or devices provided to harm reduction program participants. More specifically, HB52 allows the Department of Health to distribute fentanyl test strips and sterile supplies to reduce overdose and the spread of infectious disease and enables the department to act quickly to address the lethal additives in drugs.

- **House Bill 95: Easy Enrollment Act**

House Bill 95 (HB95) the Easy Enrollment Act, sponsored by Representative Liz Thomson, Senator Liz Stefanics, and Senator Brenna McKenna, gives uninsured New Mexicans an easy on-ramp to health coverage through the state income tax system. Starting next year, taxpayers will have the option to give the state tax agency permission to share information used to assess eligibility for low-cost or no-cost coverage with agencies that oversee health coverage programs, like Medicaid and Health Insurance Marketplace, beWellnm.com. The HSD will assess eligibility and contact uninsured individuals to provide information about their coverage options, increasing accessibility for all participants. This bill's passage is a win for families and communities, enrolling more New Mexicans in affordable health insurance.

Conclusion

Legislation important to Indigenous communities was wide-ranging this session. With support from Governor Lujan Grisham, these initiatives will work to improve the lives of members of New Mexico's Tribes, Pueblos, and Nations by ensuring proactive case management for missing and murdered indigenous women and relatives, increased funding for Indigenous education, protection of Native families and elders, improved water and environmental stewardship, more economic opportunities for Native businesses, increased access to behavioral health resources, and much more. The increased budget for infrastructure and staffing within the Indian Affairs Department will be pivotal in carrying out each of these programs. Thank you for your support, leadership, and advocacy during this legislative session. We look forward to working in partnership with you as we implement these pieces of legislation.



2022 New Mexico State Legislative Session - Third Special

The Third Special Session focused on three bills: HB 1 Feed Bill, HB 2 Tax Rebates and SB 1 Appropriations & Expenditures. SB 1 included several appropriations to support IAD's work and expand the Department's capacity. With these additions, the Department's total FY 23 Budget increased by 52.7%. SB 1 added two additional FTEs to the Department for an overall total of six new FTEs. Additional funding in SB 1 will go toward supporting the Indigenous Youth Council, Missing Murdered Indigenous Women & Relatives (MMIWR) and entrepreneur training programs.

- **HB 2 – Tax Rebates, Rep. C. Chandler**
Approves rebates of \$500 for heads of household, surviving spouses, and married individuals filing joint returns for tax year 2021 with adjusted gross incomes of less than \$150,000. A \$250 rebate will be available for single filers and married individuals filing separate returns with tax year 2021 adjusted gross incomes of less than \$75,000. This legislation takes effect July 1, 2022, and Taxation and Revenue will begin issuing rebates on that date.



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