

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0012-23_

SPONSOR: Danny Simpson

TITLE: An Action Relating to an Emergency and the Navajo Nation Council; Opposing New Mexico House Bills No. 140 and No. 147 Relating to a Tribal Education Trust Fund and an Indian Education Trust Fund, and Urging Governor Michelle Lujan Grisham to Veto Both These Bills

Date posted: February 02, 2023 at 2:15PM

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SUMMARY OF PROPOSED LEGISLATION

TrackingNo. 0012-23

Date: February 2, 2023

Re: AN ACTION RELATING TO AN EMERGENCY AND THE NAVAJO NATION COUNCIL; OPPOSING NEW MEXICO HOUSE BILLS NO. 140 AND NO. 147 RELATING TO A TRIBAL EDUCATION TRUST FUND AND AN INDIAN EDUCATION TRUST FUND, AND URGING GOVERNOR MICHELLE LUJAN GRISHAM TO VETO BOTH THESE BILLS

Purpose of this Legislation:

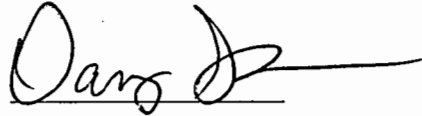
for the Navajo Nation to state its formal opposition to New Mexico House Bills 140 and 147, and urge Governor to veto both Bills.

OLC No. 23-031-1

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION

2 25th NAVAJO NATION COUNCIL – First Year, 2023

3 INTRODUCED BY

4 

5 (Prime Sponsor)

6 TRACKING NO. 0012-23

7 AN ACTION

8 RELATING TO AN EMERGENCY AND THE NAVAJO NATION
9 COUNCIL; OPPOSING NEW MEXICO HOUSE BILLS NO. 140
10 AND NO. 147 RELATING TO A TRIBAL EDUCATION TRUST FUND
11 AND AN INDIAN EDUCATION TRUST FUND, AND URGING GOVERNOR
12 MICHELLE LUJAN GRISHAM TO VETO BOTH THESE BILLS

13 WHEREAS:

- 14 A. Pursuant to 2 N.N.C. §164 (A)(16) “[m]atters constituting an emergency shall be limited
15 to the cessation of law enforcement services, and disaster relief services, fire protection
16 services or other direct services required as an entitlement under Navajo Nation or
17 Federal law, or which directly threaten the sovereignty of the Navajo Nation. Such an
18 emergency matter must arise due to the pressing public need for such resolution(s) and
19 must be a matter requiring final action by the Council.”
- 20 B. The Navajo Nation’s ability to determine the education of Navajo students is an aspect
21 of tribal sovereignty, and as such constitutes an emergency for the Navajo Nation.
- 22 C. New Mexico House Bill 140 (HB 140) titled “Relating to Education; Creating the Tribal
23 Education Trust; Providing Distributions to The Public Education Department;
24 Providing Accountability Measures; Providing Reporting Requirements; Making
25 Appropriations,” is attached as **EXHIBIT A**. This bill proposes to create a tribal
26 education trust fund and would include an initial investment of \$50 million from New
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1 Mexico's public education reform fund. The purpose is to allow New Mexico tribes,
2 nations, and pueblos to use the funds for the purposes outlined in the Indian Education
3 Act at NM Stat §22-23A-2 or through an intergovernmental agreement.

4 D. As drafted, HB 140 proposes that 90 percent of the distribution would be allocated
5 equally among the tribes and the remaining 10 percent be proportionally allocated to the
6 tribes based on the number of students from each tribe served by New Mexico public
7 schools.

8 E. The fiscal impact report, attached as **EXHIBIT B**, provides a synopsis of HB 140,
9 discusses fiscal implications as well as other considerations. A chart showing the
10 distribution amounts for each tribe is on page 3 of the fiscal impact report.

11 F. A funding distribution chart, attached as **EXHIBIT C**, illustrates the distribution
12 amounts expressed as a cost ratio per student and cost per student. This chart shows that
13 Navajo Nation students in New Mexico would be getting a distribution of only \$10.53,
14 as compared to New Mexico Pueblo students who would receive \$241.40 and New
15 Mexico Apache students who would receive \$167.48.

16 G. While the creation of a tribal education trust fund is to support New Mexico tribes in
17 sharing responsibility for the public education of Native students in a manner consistent
18 with tribal sovereignty, the funding allocated for the Navajo Nation is inadequate to
19 improve academic outcomes for Navajo students.

20 H. New Mexico House Bill No. 147, if enacted into law, will create a new "Indian
21 Education Fund." Like HB No. 140, this HB No. 147 provides a distribution formula
22 for all New Mexico tribes, which will unfairly impact Navajo students in the State of
23 New Mexico. **EXHIBIT D**, see also **EXHIBIT C**.

24
25 **NOW THEREFORE BE IT RESOLVED:**

26 The Navajo Nation hereby OPPOSES New Mexico HB 140 and HB 147 and strongly
27 urges Governor Michelle Lujan Grisham veto both House Bills.