



# 2021 LEGISLATIVE SUMMARY

The Indian Affairs Department's Final 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.

This report summarizes tribal related legislation signed by Governor Lujan Grisham, provides an overview of some state investments, and includes noteworthy legislative priorities that did not pass. The list provided is not meant to be exhaustive.

## PASSED & SIGNED

### 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 (MMIW) 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.

SEE: SB377 (IAD)



## **EDUCATION**

### **IMPACT AID**

**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.**

**SEE: HB6 (PED)**

## **INDIAN EDUCATION INVESTMENTS & ACCOUNTABILITY**

**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 – 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.**
- **HM 26 DIRECTS PED TO PREPARE AN ANNUAL REPORT TO THE LEGISLATURE ON IMPLEMENTATION OF THE COMPREHENSIVE EDUCATION PLAN.**

**SEE: SB 377 (JUNIOR BILL) & HB285 (CAPITAL OUTLAY BILL) & HM26-- PED & IAD (CAPITAL PROJECT)**



## **EDUCATION**

### **NO SCHOOL DISCRIMINATION FOR HAIR**

**PROHIBITS DISCRIMINATION AGAINST STUDENTS FOR WEARING TRADITIONAL HAIRSTYLES, INCLUDING BRAIDS AND RELIGIOUS AND CULTURAL HEADDRESSES.**

**SEE: SB80 (PED)**

### **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:**

- **\$7M IN SPECIAL APPROPRIATION TO BUILD CAPACITY OF STATE AND TRIBAL COLLEGES TO RECRUIT AND SUPPORT BILINGUAL AND INDIGENOUS EDUCATORS.**

**SEE: HB2 (ECECD)**

### **PERMANENT FUND FOR EARLY CHILDHOOD EDUCATION**

**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.**

**SEE: HJR1 (ECECD)**



## **EDUCATION**

### **THE GROW YOUR OWN TEACHERS ACT**

**HB22 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. STUDENTS SHOULD CONTACT THEIR INSTITUTION'S FINANCIAL AID OFFICE AND COLLEGE OF EDUCATION FOR APPLICATION DETAILS.**

**SEE: HB22 (HED)**

### **FAMILY INCOME INDEX**

**CREATES A PILOT PROGRAM TO TARGET ADDITIONAL FUNDS TO SCHOOLS SERVING LARGE POPULATIONS OF VERY LOW-INCOME STUDENTS.**

**SEE: SB17 (PED)**

### **NM OPPORTUNITY SCHOLARSHIP**

**THE NEW MEXICO OPPORTUNITY SCHOLARSHIP PROVIDES SUPPORT FOR PART-TIME AND NON-TRADITIONAL STUDENTS WHO ATTEND PUBLIC AND TRIBAL INSTITUTIONS. \$18 MILLION. STUDENTS SHOULD CONTACT THEIR PUBLIC POST-SECONDARY EDUCATIONAL INSTITUTION'S FINANCIAL AID ADVISOR FOR ELIGIBILITY VERIFICATION.**

**SEE: HB2 (HED)**

### **TRIBAL COLLEGE DUAL CREDITS**

**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.**

**SEE: HB2 (HED)**



## **CAPITAL OUTLAY**

### **TRIBAL CAPITAL OUTLAY**

**TRIBAL INFRASTRUCTURE INVESTMENTS FOR SELECTED PROJECTS THAT WERE SUBMITTED TO THE GOVERNOR AND THE LEGISLATURE THROUGH CAPITAL OUTLAY.**

- **INVESTMENT THROUGH 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**

**SEE: HB285 (CAPITAL OUTLAY BILL) (IAD, DOT, ALTS, HED)**

## **BROADBAND ACCESS**

### **CONNECT NEW MEXICO ACT**

**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 IAD.**

**SEE: HB10 (DOIT)**

### **STATEWIDE DIGITAL ACCESS & BROADBAND**

**ESTABLISHES THE OFFICE OF BROADBAND ACCESS AND EXPANSION TO CREATE AND IMPLEMENT A THREE-YEAR STATEWIDE BROADBAND PLAN TO SYSTEMATICALLY REDUCE THE DIGITAL DIVIDE.**

**SEE: SB93 (DOIT)**



## **VOTER PARTICIPATION**

### **REQUIRING TRIBAL AGREEMENT FOR CONSOLIDATING, CLOSING NATIVE AMERICAN POLLING LOCATIONS**

**PROVIDES PROTECTIONS FOR POLLING LOCATIONS IN AN INDIAN NATION, TRIBAL 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.**

**SEE: HB231 (SEC. OF STATE)**

## **LIBRARIES**

### **TRIBAL LIBRARY GRANTS**

**DEPARTMENT OF CULTURAL AFFAIRS RECEIVED FUNDING IN THEIR BUDGET FOR GRANTS TO TRIBAL LIBRARIES.**

**SEE: HB2 (DCA)**

## **CIVIL RIGHTS**

### **CIVIL RIGHTS ACT: QUALIFIED IMMUNITY**

**CITED AS THE NEW MEXICO CIVIL RIGHTS ACT, 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.**

**SEE: HB4**



# **WORKFORCE & ECONOMY**

## **SUSTAINABLE ECONOMY TASK FORCE**

**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 IAD. SECRETARY OF IAD IS A VOTING MEMBER OF THE TASK FORCE.**

**SEE: SB112 (DFA)**

## **GRT AND PERMANENT FUND FOR LEDA PROJECTS**

**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.**

**SEE: HB11 (EDD)**

## **LOCAL ECONOMIC DEVELOPMENT ACT**

**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.**

**SEE: SB1 (SPECIAL SESSION) EDD**

## **CANNABIS REGULATION ACT**

**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, 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.**

**SEE: HB2 (SPECIAL SESSION), RLD**



## **ENERGY**

### **COMMUNITY SOLAR ACT**

**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.**

**SEE: SB84 (PRC)**

## **ENVIRONMENT**

### **AIR QUALITY PERMIT DENIAL**

**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.**

**SEE: HB76 (NMED)**

## **WILDLIFE**

### **WILDLIFE CONSERVATION AND PUBLIC SAFETY ACT**

**PROPOSES THE WILDLIFE PROTECTION AND SAFETY ACT TO PROHIBIT USE OF TRAPS, SNARES OR POISON ON PUBLIC LAND AND PROVIDES EXCEPTIONS. MAKES VIOLATION A MISDEMEANOR WITH POSSIBLE IMPOSITION OF RESTITUTION TO THE STATE.**

**SEE: SB32 (DGF)**



## **NOTEWORTHY TRIBAL LEGISLATION THAT DID NOT PASS**

### **STATE INDIAN CHILD WELFARE ACT**

**CREATES THE STATE INDIAN CHILD WELFARE ACT, CONSOLIDATES PROVISIONS SPECIFIC TO CHILD CUSTODY PROCEEDINGS INVOLVING INDIAN CHILDREN INTO THE STATE INDIAN CHILD WELFARE ACT, AND AMENDS THE CHILDREN'S CODE TO ADDRESS CHILD CUSTODY PROCEEDINGS AND CODIFY THE JURISDICTION OF AN INDIAN TRIBE OVER A CUSTODY PROCEEDING INVOLVING AN INDIAN CHILD AND TO ENSURE THE COOPERATION OF THE STATE COURT AND THE CHILDREN, YOUTH AND FAMILIES DEPARTMENT WITH INDIAN TRIBES IN PROCEEDINGS INVOLVING INDIAN CHILDREN. EMPHASIZES THE CRITICAL IMPORTANCE TO THE INDIAN CHILD OF MAINTAINING RELATIONSHIPS WITH THE TRIBAL COMMUNITY AND WITH FAMILIAL TIES SUCH AS CLANSHIP. CREATES THE OFFICE OF TRIBAL AFFAIRS WITHIN CYFD.**

**SEE: HB209 (CYFD)**

### **ELDER WORKFORCE DEVELOPMENT TASK FORCE**

**DIRECTS THE AGING AND LONG-TERM SERVICES DEPARTMENT TO CONVENE AN ELDER WORKFORCE DEVELOPMENT IN RURAL AND TRIBAL COMMUNITIES TASK FORCE TO STUDY THE AVAILABILITY AND NEED FOR SERVICES THAT SUPPORT ELDER INDEPENDENCE AND WORKFORCE OPPORTUNITIES THAT IMPROVE THE ECONOMIC WELL-BEING OF RURAL AND TRIBAL COMMUNITIES. APPROPRIATES \$100,000 (GF) TO THE ALTSD FOR USE IN FY2022 FOR THE TASK FORCE EXPENSES AND STAFFING.**

**SEE: HB256 (ALTSD)**

### **PROCUREMENT CODE: RESIDENT MINORITY OR TRIBAL BUSINESSES**

**MAKES SEVERAL CHANGES TO THE PROCUREMENT CODE TO SET SEPARATE PREFERENCES FOR RESIDENT MINORITY BUSINESSES AND RESIDENT TRIBAL BUSINESS, ALLOWING PURCHASE OF ELECTRIC AND HYBRID VEHICLES MADE OUTSIDE NORTH AMERICA, CLARIFYING REPORTING REQUIREMENTS AND OTHER MAINLY CLEAN-UP AND ADMINISTRATIVE PROVISIONS.**

**SEE: SB53 GSD**