

HOUSE TAXATION AND REVENUE COMMITTEE SUBSTITUTE FOR
HOUSE BILL 950

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
CREATING THE TRIBAL INFRASTRUCTURE FUND; PROVIDING FOR
DISTRIBUTION OF CERTAIN INDIAN GAMING REVENUES; ESTABLISHING A
TRIBAL INFRASTRUCTURE PAYMENT PROGRAM; MAKING APPROPRIATIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE. -- This act may be cited as the
"Tribal Infrastructure Act".

Section 2. DEFINITIONS. -- As used in the Tribal
Infrastructure Act:

- A. "fund" means the tribal infrastructure fund; and
- B. "tribe" means an Indian nation, tribe or pueblo
located in New Mexico that has entered into a tribal-state
gaming compact with the state of New Mexico approved by the

1 first session of the forty-fifth legislature and affirmatively
2 approved by the secretary of the interior.

3 Section 3. TRIBAL INFRASTRUCTURE FUND. --

4 A. The "tribal infrastructure fund" is created in
5 the state treasury and shall be administered by the department
6 of finance and administration. The fund shall consist of money
7 appropriated to the fund from Indian gaming revenue- sharing
8 payments and payments from the settlement of *State of New*
9 *Mexico v. Jicarilla Apache Tribe, et al.* Money in the fund
10 shall be used to make payments to tribes for reimbursement of
11 tribal infrastructure expenditures pursuant to the Tribal
12 Infrastructure Act and to fund the administration of the tribal
13 infrastructure payment program.

14 B. Separate accounts shall be created within the
15 fund for each tribe. An amount of money shall be deposited in
16 each account in accordance with the provisions of Section 4 of
17 the Tribal Infrastructure Act. Money in each tribe's account
18 shall be available solely for reimbursement of eligible
19 infrastructure expenditures made by that tribe and the costs of
20 administering the tribal infrastructure payment program.

21 C. Earnings from investment of the tribal
22 infrastructure fund shall accrue to the fund. Balances in the
23 fund at the end of any fiscal year shall not revert to the
24 general fund but shall remain in the fund for the purposes of
25

1 the fund.

2 Section 4. DETERMINATION OF ELIGIBLE TRIBAL
3 INFRASTRUCTURE AMOUNTS. --

4 A. A tribe shall be eligible for fifty percent of
5 the following amounts certified by the attorney general:

6 (1) the total amount of all payments made by
7 the tribe to the state of New Mexico pursuant to a revenue-
8 sharing agreement authorized by Section 11-13-2 NMSA 1978; and

9 (2) the sum of all payments the tribe has
10 agreed to make to the state of New Mexico pursuant to the terms
11 of the settlement agreement of *State of New Mexico v. Jicarilla*
12 *Apache Tribe, et al.*

13 B. Fifty percent of every payment made by a tribe
14 pursuant to the terms of the settlement agreement of *State of*
15 *New Mexico v. Jicarilla Apache Tribe, et al.* and deposited in
16 the general fund shall be transferred to the fund and credited
17 to the account of the tribe making the payment and is
18 appropriated to the New Mexico office of Indian affairs to make
19 payments to that tribe for reimbursement of eligible
20 infrastructure expenditures, and to pay related administrative
21 costs pursuant to the Tribal Infrastructure Act.

22 C. Twenty-five percent of all quarterly revenue-
23 sharing payments made pursuant to a tribal-state gaming compact
24 entered into by tribes with the state of New Mexico after
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1 January 1, 2001 shall be deposited in the fund and allocated to
2 the tribes' accounts in proportion to the total amount that
3 each tribe is certified to have paid pursuant to Paragraph (1)
4 of Subsection A of this section, and the money is appropriated
5 to the New Mexico office of Indian affairs to make payments to
6 tribes for reimbursement of eligible infrastructure
7 expenditures, and to pay related administrative costs pursuant
8 to the Tribal Infrastructure Act. The distribution from the
9 quarterly revenue-sharing payments shall cease when an amount
10 has been distributed that is equal to fifty percent of the
11 amount certified by the attorney general to have been paid by
12 the tribes pursuant to a revenue-sharing agreement authorized
13 by Section 11-13-2 NMSA 1978.

14 Section 5. TRIBAL INFRASTRUCTURE PAYMENT PROGRAM
15 ESTABLISHED-- OFFICE OF INDIAN AFFAIRS. --

16 A. The New Mexico office of Indian affairs shall
17 establish a tribal infrastructure payment program to make
18 payments from the fund for reimbursement of eligible tribal
19 infrastructure expenditures. The office shall develop a
20 process, procedures and forms for tribes to apply for payment
21 of eligible tribal infrastructure expenditures and for review
22 and determination of eligibility for payment. To be eligible
23 for reimbursement, the tribe must have made the expenditures
24 for eligible infrastructure after January 1, 2001.

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1 B. The following infrastructure expenditures are
2 eligible for reimbursement if they are made for any tribal
3 activity, purpose or program other than a gaming-related
4 activity or purpose:

5 (1) planning, designing, engineering,
6 constructing, repairing, renovating, acquiring, equipping or
7 furnishing buildings or other facilities or structures,
8 including the improvement or equipping of the grounds
9 surrounding the buildings, facilities or structures;

10 (2) construction, acquisition or improvements
11 to water or wastewater facilities or systems, including water
12 or sewer lines, storm sewers and other drainage improvements;

13 (3) utilities;

14 (4) construction and improvement of roads and
15 streets, including acquisition of rights of way and parking
16 facilities;

17 (5) acquisition of vehicles;

18 (6) acquisition of computers and other related
19 technology, software, books and other materials;

20 (7) any other similar capital outlay for
21 tribal purposes; and

22 (8) any indebtedness, including bonds, loans
23 and interest on such debt, incurred for any of the eligible
24 infrastructure purposes in this section.
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