

1 HOUSE JOINT MEMORIAL 48

2 **50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

3 INTRODUCED BY

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10 A JOINT MEMORIAL

11 REQUESTING THE NEW MEXICO LEGISLATIVE COUNCIL TO CREATE A TASK
12 FORCE TO STUDY THE CAPITAL OUTLAY APPROPRIATIONS PROCESS FOR
13 THE NAVAJO NATION.

14
15 WHEREAS, the New Mexico legislature finds that members of
16 the Navajo Nation and its chapters in New Mexico should benefit
17 from capital improvements funded in part by the state of New
18 Mexico; and

19 WHEREAS, from fiscal year 2003 through fiscal year 2010,
20 the New Mexico legislature appropriated sixty-eight million two
21 hundred ninety-five thousand seven hundred sixty-seven dollars
22 (\$68,295,767) for six hundred fifty-four capital projects on
23 the Navajo Nation; and

24 WHEREAS, of the funds appropriated for capital projects on
25 the Navajo Nation for fiscal years 2003 through 2010, only

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1 fifty-four percent have actually been expended; and

2 WHEREAS, of the funds appropriated for capital projects on
3 the Navajo Nation for fiscal years 2003 through 2010, more than
4 nine percent have reverted and more than fourteen percent have
5 been reauthorized for other projects; and

6 WHEREAS, of the funds appropriated for capital projects on
7 the Navajo Nation for fiscal years 2003 through 2010, more than
8 twenty-one percent remain unexpended and unencumbered; and

9 WHEREAS, in 1998, the Navajo Nation passed the Navajo
10 Local Governance Act, which permits chapters of the Navajo
11 Nation to be certified as their own fiscal agents; and

12 WHEREAS, in 2006, the legislature passed Senate Bill 579,
13 which includes the Tribal Infrastructure Act and revisions in
14 the manner in which the state administers capital outlay
15 appropriations to the Navajo Nation and its chapters in New
16 Mexico; and

17 WHEREAS, in 2008, the Navajo Nation and the Indian affairs
18 department entered into an intertribal master agreement
19 regarding the administrative review and approval of capital
20 outlay projects for the Navajo Nation and its chapters in New
21 Mexico; and

22 WHEREAS, despite past efforts of the state of New Mexico
23 and the Navajo Nation, it is apparent that further progress is
24 needed to ensure that capital outlay appropriations for
25 projects on the Navajo Nation are utilized in a timely manner;

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1 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
2 STATE OF NEW MEXICO that the New Mexico legislative council be
3 requested to appoint a task force to conduct a study of the
4 ways in which the legislature might facilitate the timely
5 expenditure of capital outlay funds appropriated to the Navajo
6 Nation and its chapters; and

7 BE IT FURTHER RESOLVED that the task force include members
8 of the interim legislative Indian affairs committee and
9 representatives of the aging and long-term services department,
10 the department of finance and administration, the Indian
11 affairs department, the department of transportation, the
12 division of community development of the Navajo Nation and the
13 capital improvement program of the Navajo Nation; and

14 BE IT FURTHER RESOLVED that the task force consider steps
15 that the state of New Mexico and the Navajo Nation might take
16 to facilitate the timely expenditure of capital outlay funds
17 appropriated to the Navajo Nation and its chapters; and

18 BE IT FURTHER RESOLVED that the task force report its
19 findings and recommendations to the interim legislative Indian
20 affairs committee, the president of the Navajo Nation and the
21 speaker of the Navajo Nation council by October 1, 2011; and

22 BE IT FURTHER RESOLVED that copies of this memorial be
23 transmitted to the president pro tempore of the senate, the
24 speaker of the house of representatives, the co-chairs of the
25 interim legislative Indian affairs committee, the secretary of

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1 aging and long-term services, the secretary of finance and
2 administration, the secretary of Indian affairs, the secretary
3 of transportation, the president of the Navajo Nation, the
4 speaker of the Navajo Nation council, the director of the
5 division of community development of the Navajo Nation and the
6 manager of the capital improvement program of the Navajo
7 Nation.