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SENATE BILL 398

**51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

INTRODUCED BY

George K. Munoz

AN ACT

RELATING TO REVENUE SHARING; ENACTING THE LOCAL GOVERNMENT  
REVENUE-SHARING ACT; DISTRIBUTING AN AMOUNT EQUAL TO A  
PERCENTAGE OF TRIBAL GAMING REVENUE TO THE LOCAL GOVERNMENT  
REVENUE-SHARING FUND; PROVIDING FOR DISTRIBUTIONS TO LOCAL  
GOVERNMENTS IN WHICH INDIAN GAMING FACILITIES ARE LOCATED;  
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  
"Local Government Revenue-Sharing Act".

SECTION 2. DEFINITIONS.--As used in the Local Government  
Revenue-Sharing Act:

A. "chapter" means a chapter of the Navajo Nation  
located within the exterior boundaries of McKinley or Cibola  
county;

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1           B. "department" means the Indian affairs  
2 department;

3           C. "fund" means the local government revenue-  
4 sharing fund;

5           D. "government infrastructure" means a chapter  
6 house or chapter buildings, roads, other capital assets of a  
7 chapter or other basic physical and organizational structures  
8 needed for the operation of a chapter;

9           E. "local government" means a class B county with a  
10 population of no less than seventy thousand and no more than  
11 seventy-five thousand according to the last federal decennial  
12 census that has a tribal gaming facility located within the  
13 exterior boundaries of the county;

14           F. "tribal gaming facility" means a gaming facility  
15 on land approved for such a facility by the federal government  
16 pursuant to the federal Indian Gaming Regulatory Act controlled  
17 by a tribe and operating pursuant to a class III tribal-state  
18 gaming compact; and

19           G. "tribe" means a federally recognized Indian  
20 nation, tribe or pueblo located wholly or partially in New  
21 Mexico that has entered into a class III tribal-state gaming  
22 compact with the state.

23           **SECTION 3. QUARTERLY DISTRIBUTIONS--APPROPRIATIONS.--**An  
24 amount equal to ten percent of the net receipts of revenue  
25 sharing paid quarterly to the state pursuant to a class III

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1 tribal-state gaming compact by a tribal government on behalf of  
2 a tribal gaming facility located within a local government is  
3 appropriated and shall be distributed from the general fund in  
4 fiscal year 2014 and in each subsequent fiscal year to the  
5 local government revenue-sharing fund for purposes of the Local  
6 Government Revenue-Sharing Act.

7 SECTION 4. FUND CREATED--ADMINISTRATION.--

8 A. The "local government revenue-sharing fund" is  
9 created in the state treasury. The department shall administer  
10 the fund.

11 B. Distributions from the general fund made  
12 quarterly by the legislature pursuant to the Local Government  
13 Revenue-Sharing Act shall be deposited in the fund. Earnings  
14 on the fund shall be credited to the general fund.

15 C. Balances in the fund are appropriated to the  
16 department to carry out the purposes of the Local Government  
17 Revenue-Sharing Act. Distributions from the fund shall be made  
18 by warrant issued by the secretary of finance and administration  
19 pursuant to vouchers signed by the secretary of Indian affairs  
20 or the secretary of Indian affairs' designee.

21 D. Any unexpended or unencumbered balance remaining  
22 in the fund at the end of any fiscal year shall revert to the  
23 general fund.

24 SECTION 5. AUTHORIZED PURPOSES--USE OF PROCEEDS.--

25 A. The department shall adopt rules governing

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1 terms, conditions and priorities for providing financial  
2 assistance to a chapter, including developing application and  
3 evaluation procedures and forms and qualifications for  
4 applicants and for projects. The department may establish  
5 procedures and adopt rules as required to administer the fund  
6 and to originate grants or loans for qualified projects or  
7 qualified scholarships.

8 B. Financial assistance, grants or loans provided  
9 by the department shall be allocated as follows:

10 (1) fifty percent of the distribution shall be  
11 allocated to educational grants, loans or assistance for  
12 tribally enrolled members of a chapter to pursue an education  
13 at a tribal college, public post-secondary educational  
14 institution, community college or technical and vocational  
15 institute; and

16 (2) fifty percent of the distribution shall be  
17 allocated to government infrastructure.

18 C. The department may provide financial assistance  
19 to a chapter for qualified projects or qualified scholarships  
20 on terms and conditions established by rule. The department  
21 shall authorize funding for:

22 (1) qualified projects, including:

23 (a) planning, designing, constructing,  
24 improving, expanding or equipping water and wastewater  
25 facilities, major water systems, electrical power lines,

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1 communications infrastructure, roads, health infrastructure,  
2 emergency response facilities and infrastructure needed to  
3 encourage economic development;

4 (b) developing engineering feasibility  
5 reports for infrastructure projects;

6 (c) inspecting construction of qualified  
7 projects;

8 (d) providing special engineering  
9 services;

10 (e) completing environmental assessments  
11 or archaeological clearances and other surveys for  
12 infrastructure projects;

13 (f) acquiring land, easements or rights  
14 of way; and

15 (g) paying legal costs and fiscal agent  
16 fees associated with development of qualified projects; and

17 (2) qualified educational scholarships,  
18 including:

19 (a) tuition assistance;

20 (b) room and board assistance; and

21 (c) textbook assistance.

22 SECTION 6. EFFECTIVE DATE.--The effective date of the  
23 provisions of this act is July 1, 2013.