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HOUSE BILL 854

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Ben Lujan

AN ACT

RELATING TO TRIBAL GOVERNMENTS; ENACTING THE TRIBAL ASSISTANCE ACT TO PROVIDE FOR DISTRIBUTION OF COMPENSATING TAX REVENUES TO INDIAN NATIONS, TRIBES AND PUEBLOS LOCATED WHOLLY OR PARTIALLY IN NEW MEXICO.

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

Section 1. [NEW MATERIAL] SHORT TITLE. -- Sections 1 through 3 of this act may be cited as the "Tribal Assistance Act".

Section 2. [NEW MATERIAL] DEFINITIONS. -- As used in the Tribal Assistance Act:

A. "department" means the local government division of the department of finance and administration;

B. "tribal government" means the governing body of a tribe;

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1 C. "tribal population" means the total number of
2 Native American persons living within the exterior boundaries
3 of an Indian reservation or pueblo grant in New Mexico and on
4 the trust land of that reservation or pueblo in New Mexico as
5 reported for the most recent federal decennial census; and

6 D. "tribe" means an Indian nation, tribe or
7 pueblo, the territory of which is located wholly or partially
8 within New Mexico.

9 Section 3. [NEW MATERIAL] TRIBAL ASSISTANCE FUND
10 CREATED-- ANNUAL DISTRIBUTION TO TRIBAL GOVERNMENTS. --

11 A. The "tribal assistance fund" is created in the
12 state treasury. The fund shall be administered by the
13 department.

14 B. On or before June 10 of each year, the
15 department shall certify the population of each tribe in the
16 state and shall compute the distribution share for each tribe.
17 The amount to be distributed to each tribe shall be the
18 greater of ten dollars (\$10.00) multiplied by the tribal
19 population or twenty thousand dollars (\$20,000).

20 C. The state treasurer shall distribute from the
21 tribal assistance fund on or before June 15 of each year to
22 each tribal government the amount certified by the department
23 for each tribe.

24 D. Immediately after distribution to the tribes
25 from the tribal assistance fund, but no later than June 30 of

underscored material = new
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1 each year, the unexpended and unencumbered balance in the
2 tribal assistance fund shall revert to the general fund.

3 E. Money distributed to tribes pursuant to this
4 section may be used by the tribal government for any tribal
5 government purpose. However, money distributed to the Navajo
6 nation shall be further distributed by the tribal government
7 to the chapters of the tribe in New Mexico in amounts that are
8 in proportion to each chapter's population.

9 Section 4. A new section of the Tax Administration Act
10 is enacted to read:

11 "[NEW MATERIAL] COMPENSATING TAX--DISTRIBUTION TO TRIBAL
12 ASSISTANCE FUND. --A distribution pursuant to Section 7-1-6.1
13 NMSA 1978 shall be made to the tribal assistance fund in an
14 amount equal to three percent of the net receipts attributable
15 to the compensating tax imposed pursuant to the Gross Receipts
16 and Compensating Tax Act. "

17 Section 5. EFFECTIVE DATE. --The effective date of the
18 provisions of this act is July 1, 1999.