AN ACT

RELATING TO EXPENDITURES OF PUBLIC MONEY; PROVIDING FOR CAPITAL EXPENDITURES; REAUTHORIZING BALANCES; CHANGING THE PURPOSES OF SEVERANCE TAX BOND APPROPRIATIONS; ESTABLISHING CONDITIONS FOR THE REVERSION OF UNEXPENDED BALANCES; ESTABLISHING CONDITIONS FOR PROJECTS WITHIN THE NAVAJO NATION; PROVIDING FOR DIRECT PAYMENTS TO VENDORS; DEFINING INDIGENCY; DECLARING AN EMERGENCY.

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

Section 1. UNEXPENDED BOND PROCEEDS--CHANGE OF PURPOSE.--

A. Except as provided in Subsection B of this section, all balances of severance tax bond proceeds from capital outlay projects located within Indian country and appropriated to the Indian affairs department by the legislature prior to 2001 and unexpended as of September 1,

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1   2005 shall not be expended for the original purposes but are

2   reappropriated as follows:

3   (1)   fifty percent of the available funds to

4   the capital projects fund for renovations and improvements to

5   Dine college in San Juan county; and

6   (2)   fifty percent of the available funds to

7   the capital projects fund for planning, design and construction

8   of the center for lifelong education, research and cultural

9   exchange for indigenous peoples at the institute for American

10   Indian arts in Santa Fe county.

11   B.   The provisions of Subsection A of this section

12   do not apply to bond proceeds if the certifying agency

13   demonstrates to the board of finance division of the department

14   of finance and administration by September 1, 2005 that:

15   (1)   the project is active and there are valid

16   encumbrances on the appropriation; or

17   (2)   the legislature reauthorized the project

18   after June 1, 2001 or extended its life beyond July 1, 2005 and

19   the project is active.

20   C.   Any unexpended or unencumbered balance of the

21   appropriations shall revert to the severance tax bonding fund

22   by July 1, 2010.

23   Section 2.   FISCAL AGENTS FOR NAVAJO NATION PROJECTS--

24   CHAPTER AUTHORIZATION.--

25   A.   When permitted pursuant to the provisions of

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1   applicable tribal law, the state may contract through a fiscal

2   agent other than the Navajo Nation for a capital outlay project

3   located on lands subject to the jurisdiction of the Navajo

4   Nation.

5   B.   Unless otherwise prohibited by applicable tribal

6   law, the state may expend or encumber funds upon the request

7   and approval of chapters of the Navajo Nation in which the

8   projects are located.

9   Section 3.   DIRECT PAYMENTS.--

10   A.   In the case of capital outlay projects located

11   within Indian country and authorized to the Indian affairs

12   department, the state may make payments directly to third-party

13   contractors for services rendered or goods supplied regarding

14   such projects.

15   B.   The department of finance and administration is

16   authorized to make payments directly to third-party contractors

17   for services rendered or goods supplied regarding capital

18   outlay projects located within Indian country and authorized to

19   the Indian affairs department.

20   Section 4.   NAVAJO NATION PROJECTS--GENERAL FUND

21   APPROPRIATIONS.--Money appropriated from the general fund to

22   several chapters of the Navajo Nation located in New Mexico for

23   the same or similar purposes may be pooled by those chapters to

24   create a regional or centralized project upon review of the

25   Indian affairs department and approved by the state board of

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1   finance.

2   Section 5.   PRESUMPTION OF INDIGENCY.--For the purposes of

3   capital outlay projects located within Indian country and

4   authorized to the Indian affairs department pursuant to Article

5   9, Section 14 of the constitution of New Mexico, persons who

6   reside in Indian country who are not served by electric

7   service, water service, telecommunications or indoor plumbing

8   are presumed to be indigent.

9   Section 6.   EMERGENCY.--It is necessary for the public

10 peace, health and safety that this act take effect immediately.

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