

1 HOUSE BILL 403

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

3 INTRODUCED BY

4 Ray Begaye

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10 AN ACT

11 RELATING TO PUBLIC FINANCE; REQUIRING THAT CHAPTERS OF THE  
12 NAVAJO NATION BE CERTIFIED AND THAT NONPROFIT ENTITIES BE  
13 CHARTERED AND REGISTERED TO APPLY FOR AND IMPLEMENT CAPITAL  
14 IMPROVEMENT PROJECTS THROUGH A FISCAL AGENT.

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

17 SECTION 1. Section 6-28-2 NMSA 1978 (being Laws 2006,  
18 Chapter 105, Section 2) is amended to read:

19 "6-28-2. FISCAL AGENTS FOR NAVAJO NATION PROJECTS.--The  
20 state recognizes [~~the~~] chapters of the Navajo Nation that have  
21 been certified pursuant to the Navajo Nation Local Government  
22 Act codified under Title 26 of the Navajo Nation Code as local  
23 tribal entities having the capability and capacity to apply for  
24 and implement capital improvement projects. The state also  
25 recognizes [~~as local tribal entities those~~] New Mexico

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1 nonprofit entities [~~organized under the supervision of tribal~~  
2 ~~governments~~] chartered by the Navajo Nation business regulatory  
3 commission, registered with the public regulation commission  
4 and whose mission or objective is to provide education, health,  
5 welfare and other basic services [~~and who may~~] as local tribal  
6 entities that have the capability and capacity to apply for and  
7 implement and act as a fiscal agent for capital improvement  
8 projects. Therefore, the state may contract through a  
9 political subdivision of the state or a school board having  
10 local education authority as a fiscal agent [~~other than the~~  
11 ~~Navajo Nation~~] for the expenditure of state funds on behalf of  
12 local subgoverning tribal entities of the Navajo Nation.  
13 [~~Unless otherwise negotiated, an administrative fee of no more~~  
14 ~~than five percent of a project's cost may be charged by the~~  
15 ~~entity that serves as fiscal agent.]"~~

16 SECTION 2. EFFECTIVE DATE.--The effective date of the  
17 provisions of this act is July 1, 2011.

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