

1 SENATE BILL 238

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

3 INTRODUCED BY

4 George K. Munoz

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10 AN ACT

11 RELATING TO PUBLIC FINANCE; CLARIFYING THAT CHAPTERS OF THE  
12 NAVAJO NATION AND CERTAIN NONPROFIT ENTITIES MAY APPLY FOR AND  
13 IMPLEMENT CAPITAL IMPROVEMENT PROJECTS THROUGH A FISCAL AGENT  
14 OTHER THAN THE NAVAJO NATION.

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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 as local  
21 subgoverning tribal entities having the capability and capacity  
22 to apply for and implement capital improvement projects. The  
23 state also recognizes [~~as local tribal entities those~~]  
24 nonprofit entities, organized under the supervision of tribal  
25 governments, registered with the public regulation commission

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1 and whose mission or objective is to provide education and  
2 other basic services, [~~and who may~~] as local subgoverning  
3 tribal entities that have the capability and capacity to apply  
4 for and implement and act as a fiscal agent for capital  
5 improvement projects. Therefore, the state may contract  
6 through a fiscal agent other than the Navajo Nation for the  
7 expenditure of state funds on behalf of local subgoverning  
8 tribal entities of the Navajo Nation. Unless otherwise  
9 negotiated, an administrative fee of no more than five percent  
10 of a project's cost may be charged by the entity that serves as  
11 fiscal agent."

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