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SENATE BILL 335

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

INTRODUCED BY

George K. Munoz

AN ACT

RELATING TO REVENUE; 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. "department" means the department of finance and administration;

B. "fund" means the local government revenue sharing fund;

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1 C. "government infrastructure" means government  
2 buildings, roads or other capital assets of a local government;

3 D. "local government" means a municipality or a  
4 county that has a tribal gaming facility located within the  
5 municipality or located within the county;

6 E. "located within a municipality" means located  
7 within the exterior boundaries of a municipality or located  
8 within five miles of the exterior boundary of an incorporated  
9 municipality;

10 F. "municipality" means an incorporated  
11 municipality;

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

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

21 SECTION 3. DISTRIBUTION--GENERAL FUND EQUIVALENT OF TEN  
22 PERCENT OF TRIBAL GAMING REVENUE SHARING RECEIPTS.--

23 A. A distribution equal to ten percent of the net  
24 receipts of revenue sharing received pursuant to a class III  
25 tribal-state gaming compact for a tribal gaming facility

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1 located within a municipality or county shall be made by the  
2 department from the fund to the municipality and county in  
3 which a tribal gaming facility is located.

4 B. Distributions shall be made on a quarterly basis  
5 by the twenty-fifth day of the month following the receipt of  
6 the quarterly revenue sharing payment from a tribe. If a tribe  
7 has multiple tribal gaming facilities and if the tribal gaming  
8 facilities are not located within the jurisdiction of one local  
9 government and the tribe fails to allocate the revenue sharing  
10 proportionately to each of the tribe's tribal gaming  
11 facilities, the revenue sharing shall be divided by the  
12 department equally among the number of tribal gaming facilities  
13 for which the revenue sharing is remitted. A distribution  
14 shall not be made if for any reason the revenue sharing  
15 remittance is not received by the state.

16 C. A distribution pursuant to this section of  
17 receipts from a tribe's gaming facility located within a  
18 municipality shall be allocated in the following way:

19 (1) fifty percent of the distribution shall be  
20 allocated to the municipality; and

21 (2) fifty percent of the distribution shall be  
22 allocated to the county.

23 D. A municipality or county receiving a  
24 distribution pursuant to this section shall expend that money  
25 for the acquisition, construction or improvement of the

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1 municipality's or county's government infrastructure or for  
2 providing law enforcement, fire protection or emergency  
3 services.

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

5 A. The "local government revenue sharing fund" is  
6 created in the state treasury. The department shall administer  
7 the fund.

8 B. Distributions from the general fund made  
9 quarterly by the legislature pursuant to the Local Government  
10 Revenue Sharing Act shall be deposited in the fund. Earnings  
11 on the fund shall be credited to the general fund.

12 C. Balances in the fund are appropriated to the  
13 department for distribution to counties and municipalities  
14 pursuant to the Local Government Revenue Sharing Act.  
15 Distributions from the fund shall be made by warrant issued by  
16 the secretary of finance and administration pursuant to  
17 vouchers signed by the secretary of finance and administration  
18 or the secretary's designee.

19 D. Unexpended and unencumbered balances remaining  
20 in the fund at the end of any fiscal year shall revert to the  
21 general fund.

22 SECTION 5. QUARTERLY DISTRIBUTIONS--APPROPRIATIONS.--An

23 amount equal to ten percent of the net receipts of revenue  
24 sharing paid quarterly to the state pursuant to a class III  
25 tribal-state gaming compact by a tribal government on behalf of

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1 a tribal gaming facility located within the exterior boundaries  
2 of a county or located within a municipality is appropriated  
3 and shall be distributed from the general fund in fiscal year  
4 2012 and in each subsequent fiscal year to the local government  
5 revenue sharing fund for purposes of the Local Government  
6 Revenue Sharing Act.

7 SECTION 6. EFFECTIVE DATE.--The effective date of the  
8 provisions of this act is July 1, 2011.

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