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SENATE BILL 436

44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2000

INTRODUCED BY

Billy J. McKibben

AN ACT

**RELATING TO INDIAN GAMING REVENUE; PROVIDING FOR DISTRIBUTION
OF REVENUE RECEIVED FROM REVENUE-SHARING AGREEMENTS; CREATING
THE NATIVE AMERICAN PERMANENT FUND; MAKING AN APPROPRIATION;
DECLARING AN EMERGENCY.**

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

**Section 1. REVENUE RECEIVED PURSUANT TO A REVENUE-
SHARING AGREEMENT-- TRANSFER. --**

**A. Upon receipt of revenue paid to the state
pursuant to an existing or new revenue-sharing agreement, the
following amounts shall be distributed to the Native American
permanent fund:**

**(1) thirty-seven and one-half percent of the
amount, excluding any regulatory fees, paid to the state**

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1 pursuant to an existing revenue-sharing agreement, including
2 those payments due, but not received, before the effective
3 date of this section; and

4 (2) fifty percent of the amount, excluding
5 any regulatory fees, paid to the state pursuant to a new
6 revenue-sharing agreement.

7 B. As used in this section:

8 (1) "existing revenue-sharing agreement"
9 means a revenue-sharing agreement entered into pursuant to
10 Section 11-13-2 NMSA 1978 before January 1, 2000 in which a
11 tribe agrees to contribute a portion of its gaming revenues
12 to the state;

13 (2) "new revenue-sharing agreement" means:

14 (a) an agreement, other than an
15 existing revenue-sharing agreement, entered into between a
16 tribe and the state under which the tribe agrees to
17 contribute a portion of its gaming revenues to the state; or

18 (b) an amendment, entered into on or
19 after January 1, 2000, to an existing revenue-sharing
20 agreement in which the parties agree to change the amount of
21 gaming revenue contributed to the state; and

22 (3) "tribe" means an Indian nation, tribe or
23 pueblo located in whole or in part within the state.

24 Section 2. NATIVE AMERICAN PERMANENT FUND-- CREATION--
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1 PURPOSE. --

2 A. The "Native American permanent fund" is created
3 in the state treasury. Except as provided by law, earnings
4 of the fund shall be credited to the fund and money in the
5 fund shall not revert to any other fund. Money in the fund
6 shall be invested by the state investment officer as land
7 grant permanent funds are invested pursuant to Chapter 6,
8 Article 8 NMSA 1978.

9 B. It is the intent of the legislature that the
10 market value of the Native American permanent fund, through
11 investment of the fund and additional transfers to the fund,
12 be allowed to appreciate and that only distributions be
13 available for appropriation by the legislature and only for
14 the purpose of improving Native American conditions and
15 relations within New Mexico, including those relating to
16 health, economy and economic development, infrastructure
17 development and education.

18 Section 3. NATIVE AMERICAN PERMANENT FUND ALLOCATION
19 ADVISORY COUNCIL. --

20 A. The "Native American permanent fund allocation
21 advisory council" is created. The council shall function
22 from the date of its appointment until December 1, 2000.

23 B. The Native American permanent fund allocation
24 advisory council shall consist of six legislative members and
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1 seven nonlegislative members. Three members of the house of
2 representatives shall be appointed by the speaker of the
3 house of representatives and three members of the senate
4 shall be appointed by the president pro tempore of the
5 senate. Members shall be appointed from each house so as to
6 give the two major political parties in each house the same
7 proportionate representation on the council as prevails in
8 each house. The New Mexico office of Indian affairs shall
9 appoint five members. The remaining members shall be the
10 state investment officer and the secretary of finance and
11 administration. The public members shall be paid per diem
12 and mileage in accordance with the provisions of the Per Diem
13 and Mileage Act.

14 C. The advisory council shall hold one
15 organizational meeting to develop a work plan and budget for
16 the ensuing interim. The work plan and budget shall be
17 submitted to the New Mexico legislative council for approval.
18 Upon approval of the work plan and budget by the New Mexico
19 legislative council, the advisory council shall:

20 (1) receive information or testimony
21 concerning expected revenues to the Native American permanent
22 fund;

23 (2) receive information or testimony
24 concerning expected earnings to the fund and recommended
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1 methods of making distributions from the fund in a manner
2 that will combine optimum growth of the fund with the optimum
3 benefits from the distributions;

4 (3) receive information or testimony
5 concerning needs within Indian country that can be served
6 with distributions from the fund;

7 (4) develop guidelines and criteria for
8 investing the fund, making distributions from the fund and
9 identifying and prioritizing needs for the distributions; and

10 (5) make a report of its findings and
11 recommendations to the first session of the forty-fifth
12 legislature.

13 D. The staff for the advisory council shall be
14 provided by the legislative council service.

15 Section 4. EMERGENCY. --It is necessary for the public
16 peace, health and safety that this act take effect
17 immediately.