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SENATE MEMORIAL 60

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

INTRODUCED BY

George K. Munoz

A MEMORIAL

REQUESTING THE NEW MEXICO LEGISLATIVE COUNCIL TO CREATE A TASK FORCE TO STUDY THE CAPITAL OUTLAY APPROPRIATIONS PROCESS FOR THE NAVAJO NATION.

WHEREAS, the senate of the state of New Mexico finds that members of the Navajo Nation and its chapters in New Mexico should benefit from capital improvements funded in part by the state of New Mexico; and

WHEREAS, from fiscal year 2003 through fiscal year 2010, the New Mexico legislature appropriated sixty-eight million two hundred ninety-five thousand seven hundred sixty-seven dollars (\$68,295,767) for six hundred fifty-four capital projects on the Navajo Nation; and

WHEREAS, of the funds appropriated for capital projects on the Navajo Nation for fiscal years 2003 through 2010, only

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1 fifty-four percent have actually been expended; and

2 WHEREAS, of the funds appropriated for capital projects on  
3 the Navajo Nation for fiscal years 2003 through 2010, more than  
4 nine percent have reverted and more than fourteen percent have  
5 been reauthorized for other projects; and

6 WHEREAS, of the funds appropriated for capital projects on  
7 the Navajo Nation for fiscal years 2003 through 2010, more than  
8 twenty-one percent remain unexpended and unencumbered; and

9 WHEREAS, in 1998, the Navajo Nation passed the Navajo  
10 Nation Local Governance Act, which permits chapters of the  
11 Navajo Nation to be certified as their own fiscal agents; and

12 WHEREAS, in 2006, the legislature passed Senate Bill 579,  
13 which includes the Tribal Infrastructure Act and revisions in  
14 the manner in which the state administers capital outlay  
15 appropriations to the Navajo Nation and its chapters in New  
16 Mexico; and

17 WHEREAS, in 2008, the Navajo Nation and the Indian affairs  
18 department entered into an intertribal master agreement  
19 regarding the administrative review and approval of capital  
20 outlay projects for the Navajo Nation and its chapters in New  
21 Mexico; and

22 WHEREAS, despite past efforts of the state of New Mexico  
23 and the Navajo Nation, it is apparent that further progress is  
24 needed to ensure that capital outlay appropriations for  
25 projects on the Navajo Nation are utilized in a timely manner;

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1           NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE  
2 OF NEW MEXICO that the New Mexico legislative council be  
3 requested to appoint a task force to conduct a study of the  
4 ways in which the legislature might facilitate the timely  
5 expenditure of capital outlay funds appropriated to the Navajo  
6 Nation and its chapters; and

7           BE IT FURTHER RESOLVED that the task force include members  
8 of the interim legislative Indian affairs committee and  
9 representatives of the aging and long-term services department,  
10 the department of finance and administration, the Indian  
11 affairs department, the department of transportation, the  
12 division of community development of the Navajo Nation and the  
13 capital improvement program of the Navajo Nation; and

14           BE IT FURTHER RESOLVED that any chapter of the Navajo  
15 Nation and any federal bureau of Indian education school or  
16 school of the Navajo Nation may be allowed one representative  
17 to serve on the task force; and

18           BE IT FURTHER RESOLVED that the task force conduct a  
19 series of meetings within or in close proximity to chapters of  
20 the Navajo Nation; and

21           BE IT FURTHER RESOLVED that the task force consider steps  
22 that the state of New Mexico and the Navajo Nation might take  
23 to facilitate the timely expenditure of capital outlay funds  
24 appropriated to the Navajo Nation and its chapters; and

25           BE IT FURTHER RESOLVED that the task force report its

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1 findings and recommendations to the interim legislative Indian  
2 affairs committee, the president of the Navajo Nation and the  
3 speaker of the Navajo Nation council by October 1, 2011; and

4 BE IT FURTHER RESOLVED that copies of this memorial be  
5 transmitted to the president pro tempore of the senate, the  
6 speaker of the house of representatives, the co-chairs of the  
7 interim legislative Indian affairs committee, the secretary of  
8 aging and long-term services, the secretary of finance and  
9 administration, the secretary of Indian affairs, the secretary  
10 of transportation, the president of the Navajo Nation, the  
11 speaker of the Navajo Nation council, the director of the  
12 division of community development of the Navajo Nation and the  
13 manager of the capital improvement program of the Navajo  
14 Nation.