

HOUSE BILL 652

**54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

INTRODUCED BY

Nathan P. Small

AN ACT

RELATING TO BORDER DEVELOPMENT; AMENDING THE BORDER DEVELOPMENT ACT; CHANGING THE COMPOSITION OF THE BORDER AUTHORITY; ADDING PROFESSIONAL QUALIFICATION REQUIREMENTS TO THE POSITION OF EXECUTIVE DIRECTOR OF THE BORDER AUTHORITY; ADDING THE POSITION OF PUBLIC WORKS DIRECTOR; MAKING TECHNICAL AND CLARIFYING CHANGES TO LAW; REPEALING A SECTION OF THE NMSA 1978.

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

**SECTION 1.** Section 58-27-2 NMSA 1978 (being Laws 1991, Chapter 131, Section 2) is amended to read:

"58-27-2. LEGISLATIVE PURPOSE.--~~[By enacting]~~ The purpose of the Border Development Act ~~[it]~~ is ~~[the purpose of the legislature]~~ to:

A. encourage and foster development of the state and its cities and counties by developing port facilities at

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1 international ports of entry;

2 B. actively promote and assist public and private  
3 sectors' infrastructure development to attract new industries  
4 and businesses, thereby creating new job opportunities in the  
5 state while resolving transportation and logistical problems  
6 that may arise as ports of entry develop; and

7 C. create the statutory framework that will enable  
8 the state to design, finance, construct, equip and operate port  
9 facilities necessary to ensure the timely, planned and  
10 efficient development of the border area between New Mexico and  
11 [~~the Mexican state of Chihuahua~~] Mexico."

12 SECTION 2. Section 58-27-3 NMSA 1978 (being Laws 1991,  
13 Chapter 131, Section 3, as amended) is amended to read:

14 "58-27-3. DEFINITIONS.--As used in the Border Development  
15 Act:

16 A. "authority" means the border authority;

17 B. "bond" includes notes and obligations;

18 C. "bondholder" means the owner of a registered or  
19 unregistered bond;

20 [~~B-~~] D. "financial assistance" means grants and  
21 loans provided for projects to a qualified entity on terms and  
22 conditions approved by the authority;

23 [~~G-~~] E. "mortgage" means a mortgage, [~~or~~] a  
24 mortgage and deed of trust or the pledge and hypothecation of  
25 [~~any~~] assets as collateral security;

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1           ~~[D-]~~ F. "port of entry" means an international port  
2 of entry in New Mexico at which customs services are provided  
3 by the United States customs and border protection;

4           ~~[E-]~~ G. "project" means ~~[any]~~ land, ~~[or]~~ a building  
5 or any other ~~[improvements]~~ improvement acquired as a part of a  
6 port of entry, ~~[or]~~ associated with a port of entry or to aid  
7 commerce in connection with a port of entry, including all  
8 existing or not yet existing real and personal property deemed  
9 necessary in connection ~~[therewith, whether or not now in~~  
10 ~~existence. A project shall be]~~ with a port of entry, that is  
11 suitable for use by or for one or more of the following:

12                   (1) a port of entry, ~~[a]~~ foreign trade zone,  
13 ~~[an]~~ inspection station, ~~[an]~~ emergency response station or  
14 ~~[any]~~ other ~~[facilities]~~ facility to be used by ~~[any]~~ an agency  
15 or entity of the United States government, ~~[by another]~~ other  
16 qualified entity or ~~[by any other]~~ a foreign international  
17 state;

18                   (2) an industry for the manufacturing,  
19 processing or ~~[assembling]~~ assembly of ~~[any]~~ an agricultural,  
20 mining or manufactured product;

21                   (3) a railroad switching yard, railroad  
22 station, bus terminal, airport, ~~[or]~~ other passenger, commuter  
23 or mass transportation system or other freight transportation  
24 system;

25                   (4) a commercial business or other enterprise

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1 engaged in the storing, warehousing, [~~distributing~~]  
2 distribution or selling of products of a manufacturing,  
3 agriculture, mining or related [~~industries~~] industry, but not  
4 including [~~facilities~~] a facility designed for the distribution  
5 to the public of electricity or gas;

6 (5) an enterprise [~~in which all or part of the~~  
7 ~~activities of the enterprise involve~~] involving, in whole or in  
8 part, the supplying of services to the general public, [~~or to~~]  
9 governmental agencies or [~~to~~] a specific industry or customer;

10 (6) [~~any~~] an industrial, commercial,  
11 agricultural, professional or other business enterprise seeking  
12 to occupy office space;

13 (7) infrastructure development involving  
14 [~~acquiring, repairing, improving or maintaining~~] the  
15 acquisition, repair, improvement or maintenance of storm sewers  
16 [~~and~~] or other drainage [~~improvements~~] systems, sanitary  
17 sewers, sewage treatment systems, water utilities or solid  
18 waste disposal facilities, including [~~acquiring~~] the  
19 acquisition of rights of way or water rights;

20 (8) infrastructure development involving  
21 [~~reconstructing~~] the reconstruction, resurfacing, [~~maintaining,~~  
22 ~~repairing or improving~~] maintenance, repair or improvement of  
23 existing alleys, streets, roads or bridges or the laying off or  
24 opening, [~~constructing~~] construction or [~~acquiring~~] acquisition  
25 of new alleys, streets, roads or bridges, including [~~acquiring~~]

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1 the acquisition of rights of way;

2 (9) [~~any~~] an industry that involves [~~any~~] a  
3 water distribution or irrigation system, including pumps,  
4 distribution lines, transmission lines, fences, dams and  
5 similar facilities and equipment, including [~~acquiring~~] the  
6 acquisition of rights of way; or

7 (10) fire [~~protection services or equipment~~]  
8 or police protection services or equipment;

9 [~~F.~~] H. "property" means, as necessary to a  
10 project, land, land improvements, [~~to the land~~] buildings,  
11 [~~and~~] building improvements, [~~to the buildings~~] machinery,  
12 [~~and~~] equipment, [~~of any kind necessary to the project~~]  
13 operating capital [~~and any~~] or other personal [~~properties~~  
14 ~~deemed necessary in connection with the project~~] property; and

15 [~~G.~~] I. "qualified entity" means the state, [~~or~~]  
16 one of its agencies, instrumentalities, institutions or  
17 political subdivisions, [~~or~~] the United States or [~~any~~  
18 ~~corporation, department, instrumentality or agency of the~~  
19 ~~federal government;~~

20 ~~H. "bond" means any bonds, notes or other~~  
21 ~~obligations; and~~

22 ~~I. "bondholder" means a person who is the owner of~~  
23 ~~a bond, regardless of whether the bond is registered]~~ one of  
24 its corporations, departments, instrumentalities or agencies."

25 SECTION 3. Section 58-27-4 NMSA 1978 (being Laws 1991,

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1 Chapter 131, Section 4, as amended) is amended to read:

2 "58-27-4. BORDER AUTHORITY CREATED--MEMBERSHIP.--

3 A. The "border authority" is created. The  
4 authority is a state agency and is administratively attached to  
5 the economic development department.

6 B. The authority [~~consists~~] shall consist of seven  
7 voting members [~~six of whom shall be appointed by the governor.~~  
8 ~~No more than three of those appointed shall belong to the same~~  
9 ~~political party. The seventh member shall be the secretary of~~  
10 ~~economic development or the secretary's designee. The voting~~  
11 ~~members appointed by the governor shall be confirmed by the~~  
12 ~~senate. The lieutenant governor shall serve as a nonvoting ex-~~  
13 ~~officio member. The chair may appoint a nonvoting advisory~~  
14 ~~committee to provide advice and recommendations on authority~~  
15 ~~matters.~~

16 C. ~~The six voting members of the authority~~  
17 ~~appointed by the governor shall be citizens of the state and~~  
18 ~~shall serve for terms of four years except for the initial~~  
19 ~~appointees who shall be appointed so that the terms are~~  
20 ~~staggered after initial appointment. Initial appointees shall~~  
21 ~~serve terms as follows: two members for two years, two members~~  
22 ~~for three years and two members for four years] as follows:~~

23 (1) the secretary of economic development or  
24 the secretary's designee;

25 (2) the secretary of transportation or the

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1 secretary's designee;  
2 (3) three members appointed by the governor,  
3 subject to the advice and consent of the senate, who:  
4 (a) are New Mexico residents;  
5 (b) represent the private sector; and  
6 (c) have professional experience in: 1)  
7 land development; 2) economic development; 3) maritime or  
8 overland shipping by truck or rail; 4) international commerce;  
9 5) finance; 6) economics; 7) accounting; 8) engineering; 9)  
10 law; 10) agriculture; or 11) business management that consists  
11 of serving as the chief executive officer, president or  
12 managing director of a business or serving in another upper-  
13 level management position of a business; and  
14 (4) two members appointed by the governor,  
15 subject to the advice and consent of the senate, who are:  
16 (a) a city councilor or mayor of a  
17 municipality of New Mexico whose jurisdiction extends to within  
18 twenty miles of a port of entry; or  
19 (b) a county commissioner of a county  
20 whose jurisdiction includes a port of entry.  
21 C. The members appointed by the governor shall  
22 serve terms as follows:  
23 (1) one initial appointee, a one-year term;  
24 (2) one initial appointee, a two-year term;  
25 (3) one initial appointee, a three-year term;

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1                   (4) one initial appointee, a four-year term;

2                   and

3                   (5) every other appointee, a five-year term.

4                   D. The authority shall invite the following to  
5                   serve as advisory members of the authority:

6                   (1) the two United States senators  
7                   representing New Mexico or those senators' designees;

8                   (2) the United States representative  
9                   representing New Mexico's second congressional district or the  
10                   representative's designee;

11                   (3) the lieutenant governor or the lieutenant  
12                   governor's designee;

13                   (4) a representative of the governor of the  
14                   state of Chihuahua or the representative's designee;

15                   (5) a representative of the governor of the  
16                   state of Sonora or the representative's designee;

17                   (6) a representative of the development  
18                   community in Mexico or the representative's designee; and

19                   (7) additional members as deemed necessary,  
20                   and approved, by the authority."

21                   SECTION 4. Section 58-27-6 NMSA 1978 (being Laws 1991,  
22                   Chapter 131, Section 6, as amended) is amended to read:

23                   "58-27-6. OFFICERS OF THE AUTHORITY.--The [~~secretary of~~  
24                   ~~economic development~~] authority shall select one of its voting  
25                   members to serve as the [chairman] chair of the authority and

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1 one of its voting members to serve as vice chair of the  
2 authority, each for a one-year term. Authority members shall  
3 elect any other officers from the membership that the authority  
4 [~~determines~~] deems appropriate."

5 SECTION 5. Section 58-27-10 NMSA 1978 (being Laws 1991,  
6 Chapter 131, Section 10, as amended) is amended to read:

7 "58-27-10. POWERS AND DUTIES OF AUTHORITY.--

8 A. The authority shall:

9 (1) advise the governor, [~~and~~] the governor's  
10 staff and the New Mexico finance authority oversight committee  
11 on [~~methods, proposals~~] programs and initiatives [~~involving~~]  
12 for development in the [New Mexico-Chihuahua] New Mexico-Mexico  
13 border area that may [~~further~~] stimulate the border economy and  
14 provide additional employment opportunities for New Mexico  
15 [~~citizens~~] residents and on the methods and proposals related  
16 to those programs and initiatives;

17 (2) subject to [~~the provisions of~~] the Border  
18 Development Act, initiate, develop, acquire, own, construct and  
19 maintain border development projects;

20 (3) create programs to expand economic  
21 opportunities beyond the [~~New Mexico-Chihuahua~~] New Mexico-  
22 Mexico border area to other areas of the state;

23 (4) create avenues of communication between  
24 New Mexico [~~and Chihuahua~~] and [~~the Republic of~~] Mexico  
25 concerning economic development, trade, [~~and~~] commerce,

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1 transportation and industrial affairs;

2 (5) promote legislation that will further the  
3 goals of the authority and development of the border [~~region~~]  
4 area;

5 (6) produce or cause to have produced  
6 promotional literature [~~related to explanation and fulfillment~~  
7 ~~of~~] explaining the authority's goals and reporting on the  
8 fulfillment of those goals;

9 (7) actively recruit industries and establish  
10 programs that [~~will~~] result in the location and relocation of  
11 new industries in the state;

12 (8) coordinate and expedite the involvement of  
13 the executive department's border area development efforts;

14 (9) perform or cause to be performed  
15 environmental, transportation, communication, land use and  
16 other technical studies necessary or advisable for projects or  
17 programs or to secure port-of-entry approval by the United  
18 States and the Mexican governments and, as appropriate, other  
19 [~~appropriate~~] governmental agencies; and

20 (10) administer the border project fund and  
21 projects financed with expenditures from that fund pursuant to  
22 Section 58-27-25.1 NMSA 1978.

23 B. The authority may:

24 (1) solicit and accept federal, state, local  
25 and private grants of funds, property or financial or other aid

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1 in any form [~~for the purpose of carrying~~] to carry out [~~the~~  
2 ~~provisions of~~] the Border Development Act;

3 (2) adopt rules governing [~~the manner in~~  
4 ~~which~~] its transaction of business, [~~is transacted and the~~  
5 ~~manner in which~~] the exercise of its powers [~~of the authority~~  
6 ~~are exercised~~] and the performance of its duties [~~performed~~];

7 (3) act as an applicant for and the operator  
8 of port-of-entry facilities and, as the applicant, carry out  
9 all related tasks and functions, including [~~acquisition by~~]:

10 (a) acquiring by purchase or gift [~~of~~  
11 ~~any~~] real property necessary for port-of-entry facilities;  
12 [~~acquisition by~~]

13 (b) acquiring by purchase, gift or  
14 construction [~~of any~~] facilities or other real or personal  
15 property necessary for a port of entry; and

16 (c) filing [~~all~~] necessary documents and  
17 [~~follow-up of such~~] following up on those filings with the  
18 appropriate agencies;

19 (4) as part of a port of entry, give or  
20 transfer real property, facilities and improvements owned by  
21 the authority to the United States government;

22 (5) acquire by construction, purchase, gift or  
23 lease projects [~~that shall be located within~~] in the state;

24 (6) sell, lease or otherwise dispose of a  
25 project upon terms and conditions acceptable to the authority

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1 and in the best interests of the state;

2 (7) enter into agreements with the [~~federal~~]  
3 United States government for the operation, improvement and  
4 expansion of federal border facilities;

5 (8) enter into joint ventures, partnerships or  
6 other business relationships with qualified entities and  
7 private persons for the joint funding and operation of  
8 projects;

9 (9) issue revenue bonds and borrow money [~~for~~  
10 ~~the purpose of defraying~~] to defray the cost of acquiring a  
11 project by purchase or construction and to secure the payment  
12 of [~~the~~] project bonds or the repayment of a project loan;

13 (10) expend funds or incur debt for the  
14 improvement, maintenance or repair of, or for the addition to,  
15 property owned by the authority, the state or the United  
16 States; [~~government~~] and

17 (11) refinance a project.

18 C. In exercising its authority, the authority shall  
19 not incur debt as a general obligation of the state or pledge  
20 the full faith and credit of the state to repay debt."

21 **SECTION 6.** Section 58-27-12 NMSA 1978 (being Laws 1991,  
22 Chapter 131, Section 12, as amended) is amended to read:

23 "58-27-12. AUTHORITY STAFF--CONTRACTS.--

24 A. The authority shall hire:

25 (1) an executive director who has professional

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1 experience in land development, economic development, maritime  
2 or overland shipping by truck or rail, international commerce,  
3 finance, economics, accounting, engineering, law, agriculture  
4 or business management that consists of serving as the chief  
5 executive officer, president or managing director of a business  
6 or serving in another upper-level management position of a  
7 business; and

8 (2) a public works director who shall at a  
9 minimum be a licensed professional engineer in civil  
10 engineering with ten years experience in transportation, rural  
11 or economic development planning.

12 B. The executive director shall:

13 (1) employ ~~[the necessary]~~ other professional,  
14 technical and clerical staff necessary to enable the authority  
15 to function efficiently;

16 ~~[B. The executive director of the authority shall]~~  
17 and

18 (2) direct the affairs and business of the  
19 authority ~~[subject]~~ according to the policies, control and  
20 direction of the authority.

21 C. The authority may contract with any other  
22 competent private or public organization or individual to  
23 assist in the fulfillment of its duties."

24 SECTION 7. Section 58-27-13 NMSA 1978 (being Laws 1991,  
25 Chapter 131, Section 13) is amended to read:

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1 "58-27-13. LOCATION OF AUTHORITY.--The authority shall be  
2 located in the [~~New Mexico-Chihuahua~~] New Mexico-Mexico border  
3 area."

4 SECTION 8. Section 58-27-15 NMSA 1978 (being Laws 1991,  
5 Chapter 131, Section 15, as amended) is amended to read:

6 "58-27-15. [~~BORDER~~] AUTHORITY--BONDING AUTHORITY--POWER  
7 TO ISSUE REVENUE BONDS.--

8 A. The authority may act as an issuing authority  
9 for the purposes of the Private Activity Bond Act.

10 B. The authority may issue revenue bonds for  
11 authority projects. With the exception of [~~the~~] a port of  
12 entry or foreign trade zone, the [~~border~~] authority shall not  
13 [~~be authorized to~~] issue bonds for projects for a qualified  
14 entity as defined in Section 6-21-3 NMSA 1978. Revenue bonds  
15 so issued may be considered appropriate investments for the  
16 severance tax permanent fund or collateral for the deposit of  
17 public funds if the bonds are rated [~~not less than~~] "A" or  
18 higher by a national rating service and both the principal and  
19 interest of the bonds are fully and unconditionally guaranteed  
20 by a lease agreement executed by an agency of the United States  
21 government or by a corporation organized and operating within  
22 the United States, that corporation or the long-term debt of  
23 that corporation being rated [~~not less than~~] "A" or higher by a  
24 national rating service. All bonds issued by the authority are  
25 legal and authorized investments for banks, trust companies,

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1 savings and loan associations and insurance companies.

2 C. The authority may pay from the bond proceeds all  
3 expenses, premiums and commissions that the authority [~~may~~  
4 ~~deem~~] deems necessary or advantageous in connection with the  
5 authorization, sale and issuance of the bonds."

6 SECTION 9. Section 58-27-21 NMSA 1978 (being Laws 1991,  
7 Chapter 131, Section 21) is amended to read:

8 "58-27-21. [~~BORDER~~] AUTHORITY REVENUE BONDS--REFUNDING  
9 AUTHORIZATION.--

10 A. The authority may issue refunding revenue bonds  
11 [~~for the purpose of refinancing, paying and discharging~~] to  
12 refinance, pay or discharge all or [~~any~~] part of the  
13 outstanding authority revenue bonds of [~~any~~] one or more [~~or~~  
14 ~~all~~] outstanding issues to:

15 (1) [~~for the acceleration, deceleration or~~  
16 ~~other modification of~~] accelerate, decelerate or otherwise  
17 modify the payment of [~~such~~] those obligations, including  
18 [~~without limitation~~] any capitalization of [~~any~~] interest  
19 [~~thereon~~] on those obligations in arrears or about to become  
20 due for [~~any~~] a period [~~not exceeding~~] of one year or less from  
21 the date of the refunding bonds;

22 (2) [~~for the purpose of reducing~~] reduce  
23 interest costs or [~~effecting~~] effect other economies; or

24 (3) [~~for the purpose of modifying or~~  
25 ~~eliminating~~] modify or eliminate restrictive contractual

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1 limitations pertaining to the issuance of additional bonds,  
2 otherwise concerning the outstanding bonds or pertaining to  
3 ~~[any]~~ facilities relating ~~[thereto; or~~  
4 ~~(4) for any combination of those purposes]~~ to  
5 those bonds.

6 B. The authority may pledge irrevocably for the  
7 payment of interest and principal on refunding bonds the  
8 appropriate pledged revenues ~~[which]~~ that may be pledged to an  
9 original issue of bonds.

10 C. Bonds for refunding and bonds for any purpose  
11 permitted by the Border Development Act may be issued  
12 separately or issued in combination in one series or more."

13 SECTION 10. Section 58-27-25 NMSA 1978 (being Laws 1991,  
14 Chapter 131, Section 25, as amended) is amended to read:

15 "58-27-25. FUND CREATED.--

16 A. The "border authority fund" is created in the  
17 state treasury. Separate accounts within the fund may be  
18 created for ~~[any project]~~ projects. Money in the fund is  
19 appropriated to the authority for the purposes of carrying out  
20 ~~[the provisions of]~~ the Border Development Act. Money in the  
21 fund shall not revert at the end of a fiscal year.

22 B. Except as provided in Subsections E and F of  
23 this section, money received by the authority shall be  
24 deposited in the border authority fund, including ~~[but not~~  
25 ~~limited to]~~ all:

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1 (1) ~~the~~ proceeds of bonds issued by the  
2 authority or from any loan to the authority made pursuant to  
3 the Border Development Act;

4 (2) interest earned ~~upon~~ on money in the  
5 fund;

6 (3) ~~any~~ property or securities acquired  
7 through the use of money belonging to the fund;

8 (4) ~~all~~ earnings of ~~such~~ that property or  
9 those securities;

10 (5) lease or rental payments received by the  
11 authority from ~~any~~ a project and distributed to the fund  
12 pursuant to Subsection F of this section;

13 (6) ~~all~~ other money received by the  
14 authority from any public or private source except ~~that, if~~  
15 ~~the public or private source expresses an intent that the~~  
16 money ~~be used~~ designated by the source for projects pursuant  
17 to Section 58-27-25.1 NMSA 1978, ~~then the money~~ which shall  
18 instead be deposited into the border project fund ~~and not the~~  
19 ~~border authority fund~~; and

20 (7) tolls, fees, rents or other charges  
21 imposed and collected by the authority and distributed to the  
22 fund pursuant to Subsection F of this section.

23 C. Disbursements from the border authority fund  
24 shall be made only upon warrant drawn by the secretary of  
25 finance and administration pursuant to vouchers signed by the

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1 executive director of the authority, ~~[or]~~ the executive  
2 director's designee ~~[pursuant to the Border Development Act;~~  
3 ~~provided that in the event]~~ or, if the position of executive  
4 director is vacant, ~~[vouchers may be signed by]~~ the chair of  
5 the authority.

6 D. Earnings on the balance in the border authority  
7 fund shall be credited to the fund. ~~[In addition, in the event~~  
8 ~~that]~~ If the proceeds from the issuance of bonds or from money  
9 borrowed by the authority are deposited in the state treasury,  
10 interest earned on that money ~~[during the period commencing~~  
11 ~~with]~~ from the date of its deposit in the state treasury until  
12 ~~[the]~~ its actual transfer ~~[of the money]~~ to the fund shall be  
13 credited to the fund.

14 E. All proceeds from issuing revenue bonds shall be  
15 placed in trust with a chartered bank to be ~~[dispersed]~~  
16 disbursed by the trustee ~~[pursuant]~~ according to the terms ~~[set~~  
17 ~~forth]~~ in the bonding resolution adopted by the authority.

18 F. Ten percent of the tolls, fees, rents, lease  
19 payments and other charges that are imposed, collected and  
20 received by the authority shall be deposited ~~[into]~~ in the  
21 border project fund and the remaining ninety percent shall be  
22 deposited ~~[into]~~ in the border authority fund. ~~[provided that~~  
23 ~~the]~~ Money deposited into the border authority fund shall be  
24 expended only as appropriated and in accordance with a budget  
25 approved by the state budget division of the department of

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1 finance and administration."

2 SECTION 11. Section 58-27-25.1 NMSA 1978 (being Laws  
3 2011, Chapter 59, Section 4) is amended to read:

4 "58-27-25.1. BORDER PROJECT FUND--CREATED--PURPOSE--  
5 EXPENDITURES.--

6 A. The "border project fund" is created in the  
7 state treasury.

8 B. The border project fund [~~shall consist~~] consists  
9 of:

10 (1) payments of principal and interest on  
11 loans for projects;

12 (2) the portion of the tolls, fees, rents,  
13 lease payments or other charges imposed, collected and received  
14 by the authority and distributed to the fund pursuant to  
15 Subsection F of Section 58-27-25 NMSA 1978;

16 (3) money from public or private sources [~~and~~]  
17 that is deposited into the fund pursuant to Paragraph (6) of  
18 Subsection B of Section 58-27-25 NMSA 1978;

19 (4) money appropriated by the legislature or  
20 distributed or otherwise allocated to the fund;

21 (5) the proceeds of severance tax bonds  
22 appropriated to the fund for projects; and

23 (6) income from investment of the fund, which  
24 shall be credited to the border project fund.

25 C. Except for severance tax bond proceeds required

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1 to revert to the severance tax bonding fund, balances in the  
2 border project fund at the end of a fiscal year shall not  
3 revert to any other fund.

4 D. The authority may, as it deems necessary,  
5 establish one or more subaccounts of the border project fund  
6 ~~[may consist of subaccounts as determined to be necessary by~~  
7 ~~the authority]~~.

8 E. The border project fund is appropriated to the  
9 authority for ~~[the following purposes]~~:

10 (1) providing financial assistance in the form  
11 of grants or loans with terms and conditions approved by the  
12 authority to qualified entities for projects;

13 (2) paying costs incurred in the operation of  
14 a port of entry or related project pursuant to a joint powers  
15 agreement entered into with the federal government; ~~[or]~~ and

16 (3) paying costs incurred in the joint funding  
17 or operation of a project as part of a joint venture,  
18 partnership or other business relationship with a qualified  
19 entity or private person.

20 F. The authority may, as required, establish  
21 procedures and adopt rules ~~[as required]~~ to:

22 (1) administer the border project fund;

23 (2) originate financial assistance in the form  
24 of grants or loans with terms and conditions approved by the  
25 authority for projects selected by the authority; and

1 (3) govern the process through which qualified  
2 entities may apply for that financial assistance from the  
3 border project fund."

4 SECTION 12. REPEAL.--Section 58-27-7 NMSA 1978 (being  
5 Laws 1991, Chapter 131, Section 7) is repealed.

6 SECTION 13. EFFECTIVE DATE.--The effective date of the  
7 provisions of this act is July 1, 2019.

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