

HOUSE TRANSPORTATION, PUBLIC WORKS AND CAPITAL IMPROVEMENTS
COMMITTEE SUBSTITUTE FOR
HOUSE BILL 694

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

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
PROVIDING DEFINITIONS; CREATING THE LOCAL GOVERNMENT
TRANSPORTATION PROJECT FUND; PROVIDING FOR DISTRIBUTIONS FOR
LOCAL GOVERNMENT TRANSPORTATION INFRASTRUCTURE PROJECTS; MAKING
AN APPROPRIATION.

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

SECTION 1. A new section of Chapter 67, Article 3 NMSA
1978 is enacted to read:

"NEW MATERIAL] DEFINITIONS--LOCAL GOVERNMENT
TRANSPORTATION PROJECT FUND CREATED--DISTRIBUTIONS.--

A. As used in this section:

(1) "fund" means the local government
transportation project fund;

(2) "local government" means a county or

1 municipality;

2 (3) "local government transportation project"
3 means environmental and other studies, planning, design,
4 construction and acquisition of rights of way necessary for the
5 development of transportation infrastructure in a county or
6 municipality;

7 (4) "non-state money" means money that does
8 not derive from revenue or interest into the state treasury or
9 into a state fund; and

10 (5) "transportation infrastructure" means
11 highways, streets, roadways, bridges, crossing structures and
12 parking facilities, including all areas for vehicular use for
13 travel, ingress, egress and parking.

14 B. The "local government transportation project
15 fund" is created in the state treasury. The fund consists of
16 appropriations, donations, interest from investment of the fund
17 and other money distributed to the fund. The department shall
18 administer the fund and may establish subaccounts for the fund
19 as it deems necessary. Money in the fund is appropriated to
20 the department for expenditure as provided in this section.
21 Disbursements from the fund shall be made by warrant of the
22 secretary of finance and administration pursuant to vouchers
23 signed by the secretary of transportation or the secretary's
24 designee. Money in the fund shall not revert at the end of a
25 fiscal year.

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1 C. Money in the fund may be used to make a grant to
2 a local government for a local government transportation
3 project that has been approved pursuant to Subsection D of this
4 section for up to:

5 (1) ninety-five percent of the total cost of a
6 local government transportation project; provided that the
7 local government has demonstrated an ability, and has
8 contracted, to provide the remainder of the project costs in
9 non-state money; or

10 (2) one hundred percent of the total cost of a
11 local government transportation project if a financial hardship
12 qualification certificate is issued to the local government by
13 the department of finance and administration and the level of
14 hardship assistance is approved by the state transportation
15 commission; provided that the local government has demonstrated
16 an ability, and has contracted, to provide the remainder of the
17 project costs in non-state money.

18 D. By August 1, 2019 and by August 1 of each year
19 thereafter, the secretary shall submit a proposed list of local
20 government transportation projects identified by the
21 department's metropolitan planning organization and regional
22 transportation planning organization planning process to the
23 state transportation commission. Subject to any direction by
24 the legislature regarding distributions from the fund, such as
25 minimum distributions by engineering districts or to rural or

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1 urbanized local governments, the commission shall approve a
2 prioritized list of local government transportation projects
3 for funding from the fund by September 1, 2019 and by September
4 1 of each year thereafter. The commission may approve
5 subsequent changes to a priority list as it deems necessary.

6 E. By November 30, 2019 and by November 30 of each
7 year thereafter, the department shall provide a report to the
8 appropriate interim legislative committee on the status of the
9 fund, the status of the local government transportation
10 projects for which grants have been made from the fund and the
11 outstanding demand for assistance from the fund."

12 SECTION 2. EFFECTIVE DATE.--The effective date of the
13 provisions of this act is July 1, 2019.