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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:

"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 municipality;
- (3) "local government transportation project" means environmental and other studies, planning, design, construction and acquisition of rights of way necessary for the development of transportation infrastructure in a county or municipality;
- (4) "non-state money" means money that does not derive from revenue or interest into the state treasury or into a state fund; and

1 (5) "transportation infrastructure" means
2 highways, streets, roadways, bridges, crossing structures and
3 parking facilities, including all areas for vehicular use for
4 travel, ingress, egress and parking.

5 B. The "local government transportation project
6 fund" is created in the state treasury. The fund consists of
7 appropriations, donations, interest from investment of the
8 fund and other money distributed to the fund. The department
9 shall administer the fund and may establish subaccounts for
10 the fund as it deems necessary. Money in the fund is
11 appropriated to the department for expenditure as provided in
12 this section. Disbursements from the fund shall be made by
13 warrant of the secretary of finance and administration
14 pursuant to vouchers signed by the secretary of
15 transportation or the secretary's designee. Money in the
16 fund shall not revert at the end of a fiscal year.

17 C. Money in the fund may be used to make a grant
18 to a local government for a local government transportation
19 project that has been approved pursuant to Subsection D of
20 this section for up to:

21 (1) ninety-five percent of the total cost of
22 a local government transportation project; provided that the
23 local government has demonstrated an ability, and has
24 contracted, to provide the remainder of the project costs in
25 non-state money; or

1 (2) one hundred percent of the total cost of
2 a local government transportation project if a financial
3 hardship qualification certificate is issued to the local
4 government by the department of finance and administration
5 and the level of hardship assistance is approved by the state
6 transportation commission; provided that the local government
7 has demonstrated an ability, and has contracted, to provide
8 the remainder of the project costs in non-state money.

9 D. By August 1, 2019 and by August 1 of each year
10 thereafter, the secretary shall submit a proposed list of
11 local government transportation projects identified by the
12 department's metropolitan planning organization and regional
13 transportation planning organization planning process to the
14 state transportation commission. Subject to any direction by
15 the legislature regarding distributions from the fund, such
16 as minimum distributions by engineering districts or to rural
17 or urbanized local governments, the commission shall approve
18 a prioritized list of local government transportation
19 projects for funding from the fund by September 1, 2019 and
20 by September 1 of each year thereafter. The commission may
21 approve subsequent changes to a priority list as it deems
22 necessary.

23 E. By November 30, 2019 and by November 30 of each
24 year thereafter, the department shall provide a report to the
25 appropriate interim legislative committee on the status of

1 the fund, the status of the local government transportation
2 projects for which grants have been made from the fund and
3 the outstanding demand for assistance from the fund."

4 SECTION 2. EFFECTIVE DATE.--The effective date of the
5 provisions of this act is July 1, 2019. _____

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