

HOUSE BILL 207

54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020

INTRODUCED BY

Harry Garcia and D. Wonda Johnson and Anthony Allison and
Derrick J. Lente and Eliseo Lee Alcon

This document incorporates amendments that have been adopted during the current legislative session. The document is a tool to show the amendments in context and is not to be used for the purpose of amendments.

AN ACT

RELATING TO TRANSPORTATION; CHANGING THE "LOCAL GOVERNMENT TRANSPORTATION PROJECT FUND" TO THE "TRANSPORTATION PROJECT FUND"; ALLOWING INDIAN NATION, TRIBE OR PUEBLO PROJECTS TO BE FUNDED BY THE TRANSPORTATION PROJECT FUND.

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

SECTION 1. Section 67-3-78 NMSA 1978 (being Laws 2019, Chapter 205, Section 1) is amended to read:

"67-3-78. [~~DEFINITIONS LOCAL GOVERNMENT~~] TRANSPORTATION PROJECT FUND CREATED--~~[DISTRIBUTIONS]~~ PLANNING AND PRIORITIZATION OF FUNDING TRANSPORTATION PROJECTS FOR COUNTIES,

.215929.4SAAIC February 5, 2020 (4:45pm)

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

underscoring material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight↔
delete = →bold, red, highlight, strikethrough↔

MUNICIPALITIES AND INDIAN NATIONS, TRIBES AND PUEBLOS.--

~~[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~~
- ~~(5) "transportation infrastructure" means highways, streets, roadways, bridges, crossing structures and parking facilities, including all areas for vehicular use for travel, ingress, egress and parking.~~

B.] A. The "[~~local government~~] transportation project fund" is created in the state treasury. The fund consists of appropriations, donations, interest from investment of the fund and other money distributed to the fund. The department shall administer the fund and may establish subaccounts for the fund as it deems necessary. Money in the fund is appropriated to the department for expenditure as

underscoring material = new
[bracketed material] = delete
Amendments: new = bold, blue, highlight
delete = bold, red, highlight, strikethrough

provided in this section. Disbursements from the fund shall be made by warrant of the secretary of finance and administration pursuant to vouchers signed by the secretary of transportation or the secretary's designee. Money in the fund shall not revert at the end of a fiscal year.

[G.] B. Money in the fund may be used to make a grant to a ~~[local government]~~ county, municipality or tribe for a ~~[local government]~~ transportation project that has been approved pursuant to Subsection [D] C of this section for up to:

(1) ninety-five percent of the total cost of a ~~[local government]~~ transportation project; provided that the ~~[local government]~~ county, municipality or tribe has demonstrated an ability, and has contracted, to provide the remainder of the project costs in non-state money; or

(2) one hundred percent of the total cost of a ~~[local government]~~ transportation project if a financial hardship qualification certificate is issued to the ~~[local government]~~ county, municipality or tribe by the department of finance and administration and the level of hardship assistance is approved by the state transportation commission; provided that the ~~[local government]~~ county, municipality or tribe has demonstrated an ability, and has contracted, to provide the remainder, if any, of the project costs in non-state money.

[D.] C. By ~~[August 1, 2019 and by]~~ August 1 of each

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight↔
delete = →bold, red, highlight, strikethrough↔

year ~~[thereafter]~~, the secretary shall submit a proposed list to the state transportation commission of ~~[local government]~~ transportation projects identified through a transportation planning process by ~~[the department's metropolitan planning organization and regional transportation planning organization planning process to the state transportation commission.~~ Subject to any direction by the legislature regarding distributions from the fund, such as minimum distributions by engineering districts or to rural or urbanized local governments] metropolitan planning organizations and regional transportation planning organizations. The commission shall approve a prioritized list of ~~[local government]~~ the transportation projects for funding from the fund by ~~[September 1, 2019 and by]~~ September 1 of each year ~~[thereafter]~~. The commission may approve subsequent changes to a priority list as ~~[it]~~ the commission deems necessary.

~~[E.]~~ D. By ~~[November 30, 2019 and by]~~ November 30 of each year ~~[thereafter]~~, the department shall provide a report to the appropriate interim legislative committee on the status of the fund, the status of the ~~[local government]~~ transportation projects for which grants have been made from the fund and the outstanding demand for assistance from the fund.

E. As used in this section:

(1) "fund" means the transportation project

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

fund;

(2) "metropolitan planning organization" means the policy board of an organization designated by the state to carry out a transportation planning process as permitted by federal law pursuant to 23 U.S.C. 134, as that section may be amended or renumbered;

(3) "non-state money" means money that does not derive from revenue or interest into the state treasury or into a state fund;

(4) "regional transportation planning organization" means the policy board of an organization designated by the state to carry out a transportation planning process as permitted by federal law pursuant to 23 U.S.C. 135, as that section may be amended or renumbered;

(5) "transportation infrastructure" means highways, streets, roadways, bridges, crossing structures and parking facilities, including all areas for vehicular HTPWC→, transit, bicycle or pedestrian←HTPWC use for travel, ingress, egress and parking;

(6) "transportation project" means environmental and other studies, planning, design, construction and maintenance of transportation infrastructure, and acquisition of rights of way necessary for the development of transportation infrastructure, in a county, municipality or tribe, but "transportation project" does not mean a

.215929.4SAAIC February 5, 2020 (4:45pm)

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

transportation HTPWC→~~enhancement~~←HTPWC

HTPWC→~~beautification~~←HTPWC project, as determined by the state
transportation commission; and

(7) "tribe" means an Indian nation, tribe or
pueblo located wholly or partially in New Mexico."

- 6 -