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SENATE BILL 486

42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996

INTRODUCED BY

GLORIA HOWES

AN ACT

RELATING TO THE LOCAL GOVERNMENTS ROAD FUND; PROVIDING THAT
COUNTY ARTERIAL PROGRAM BALANCES REMAIN FOR DISTRIBUTION IN THE
SUBSEQUENT FISCAL YEAR.

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

Section 1. Section 67-3-28.2 NMSA 1978 (being Laws 1986,
Chapter 20, Section 125, as amended) is amended to read:

"67-3-28.2. LOCAL GOVERNMENTS ROAD FUND CREATED--USES. --

A. There is created in the state treasury the "local
governments road fund" to be administered by the department.
All income received from investment of the fund shall be
credited to the fund. No money in the fund shall be used by the
department to administer any program, and no entity receiving a
distribution pursuant to a program requiring matching funds
shall use another distribution made pursuant to this section to

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1 meet the match required.

2 B. No more than five hundred thousand dollars
3 (\$500,000) annually from the local governments road fund shall
4 be used by the department to purchase at fair market value, for
5 municipalities and counties that can demonstrate financial
6 hardship as determined by the department, automotive, major road
7 and miscellaneous equipment that would otherwise be sold at
8 auction by the department as unusable for department purposes.
9 The department shall adopt rules setting the procedure to carry
10 out the purposes of this subsection.

11 C. Except for the amount in Subsection B of this
12 section, money in the local governments road fund shall be
13 distributed in the following amounts for the specified purposes:

14 (1) forty-two percent for the cooperative
15 agreements program, to be used solely for the cooperative
16 agreements entered into pursuant to Section 67-3-28 NMSA 1978
17 and in accordance with the match authorized pursuant to Section
18 67-3-32 NMSA 1978; provided, however, that distribution amounts
19 made pursuant to this paragraph in each year shall be based on
20 the following allocations:

21 (a) thirty-three percent for agreements
22 entered into with counties;

23 (b) forty-nine percent for agreements
24 entered into with municipalities;

25 (c) fourteen percent for agreements

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1 entered into with school districts; and

2 (d) four percent for agreements entered
3 into with other entities;

4 (2) sixteen percent for the municipal arterial
5 program, to be used solely for the necessary project
6 development, construction, reconstruction, improvement,
7 maintenance, repair and right-of-way and material acquisition of
8 and for those streets that are principal extensions of rural
9 state highways and of other streets not on the state highway
10 system but that qualify under the designated criteria
11 established by the department. In entering into agreements with
12 municipalities to provide funds for any project qualifying for
13 the municipal arterial program, the department shall give
14 preference to municipalities that contribute an amount equal to
15 at least twenty-five percent of the project cost;

16 (3) sixteen percent for school bus routes, to
17 be used solely for cooperative agreements entered into pursuant
18 to Section 67-3-28 NMSA 1978 and in accordance with the match
19 authorized pursuant to Section 67-3-32 NMSA 1978 for acquiring
20 rights of way and constructing, maintaining, repairing,
21 improving and paving school bus routes and public school parking
22 lots; and

23 (4) twenty-six percent for the county arterial
24 program, to be used for project development, construction,
25 reconstruction, improvement, maintenance, repair and right-of-

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1 way and material acquisition of and for county roads for which
2 individual counties have prioritized road projects. Prior to
3 entering into any agreements for projects with the counties for
4 the following fiscal year, in June of each year the department
5 shall determine and certify the amount to which each county is
6 entitled pursuant to the following schedule:

7 Road Mileage Category Based on	
8 Number of Miles Maintained	
9 By a County:	Entitlement to County:
10 400 miles or under	\$250 for each mile
11 401 to 800 miles	\$100,000 plus \$200 for each 12 mile over 400 miles
13 801 to 1,200 miles	\$180,000 plus \$150 for each 14 mile over 800 miles
15 1,201 to 1,600 miles	\$240,000 plus \$100 for each 16 mile over 1,200 miles
17 Over 1,600 miles	\$300,000 plus \$50 for each 18 mile over 1,600 miles.

19 If in any year there is an insufficient amount in the fund
20 of the county arterial program to certify the total amount to
21 which all counties are entitled, the department shall decrease
22 the entitlement amount due to each county in the same proportion
23 as the insufficiency is to the total entitlements to all
24 counties. Distribution of an entitlement amount and an
25 agreement entered into with a county for any of the purposes for

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1 which the money may be spent requires an amount from the county
2 equal to at least twenty-five percent of the entitlement. Any
3 uncommitted or unencumbered balance remaining in the county
4 arterial program fund at the end of a fiscal year shall [be
5 ~~transferred to the cooperative agreement program specified in~~
6 ~~Paragraph (1) of this subsection]~~ remain in the fund for
7 additional funding of that program in the next fiscal year.

8 D. The department may transfer funds from the state
9 road fund to the local governments road fund to facilitate cash
10 flow for the funding of these local governments road projects.
11 The administrator of the local governments road fund shall
12 reimburse the state road fund in a timely manner for any such
13 transfers. "

1 FORTY- SECOND LEGI SLATURE
2 SECOND SESSI ON, 1996

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5 JANUARY 30, 1996

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7 Mr. Presi dent:

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9 Your COMMI TTEES' COMMI TTEE, to whom has been referred

10
11 SENATE BILL 486

12
13 has had it under consideration and finds same to be GERMANE, PURSUANT
14 TO CONSTITUTIONAL PROVISIONS, and thence referred to the INDIAN AND
15 CULTURAL AFFAI RS COMMI TTEE.

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17 Respectfully submi tted,

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23 SENATOR MANNY M. ARAGON, Chai rman
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Adopted _____

Not Adopted _____

(Chief Clerk)

(Chief Clerk)

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Date _____

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1 FORTY-SECOND LEGISLATURE
2 SECOND SESSION, 1996
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5 February 1, 1996
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7 Mr. President:
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9 Your INDIAN & CULTURAL AFFAIRS COMMITTEE, to whom has
10 been referred
11

12 SENATE BILL 486
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14 has had it under consideration and reports same with recommendation that
15 it DO PASS, and thence referred to the FINANCE COMMITTEE.
16

17 Respectfully submitted,
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22 John Pinto, Chairman
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Adopted _____ Not Adopted _____

(Chief Clerk)

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The roll call vote was 5 For 0 Against

Yes: 5

No: 0

Excused: Maes, McKibben & Kysar

Absent: None

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1 FORTY- SECOND LEGI SLATURE
2 SECOND SESSI ON, 1996
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5 February 8, 1996
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7 Mr. President:
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9 Your FINANCE COMMI TTEE, to whom has been referred
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11 SENATE BILL 486
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13 has had it under consideration and reports same with recommendation that
14 it DO PASS.
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16 Respectfully submit ted,
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21 Ben D. Altami rano, Chair man
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(Chi ef Clerk) (Chi ef Clerk)

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Date _____

The roll call vote was 9 For 0 Against

Yes: 9

No: 0

Excused: Fidel, Donisthorpe, Macias, Nava

Absent: None

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