

1 HOUSE BILL 291

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO LOCAL CAPITAL IMPROVEMENTS; ENACTING THE LOS ALAMOS
12 NATIONAL LABORATORY IMPACTED COMMUNITIES ACT; CREATING A
13 COUNCIL; CREATING A FUND; PROVIDING A PROCESS FOR IMPACTED
14 COMMUNITIES TO APPLY FOR INFRASTRUCTURE PROJECT FUNDING FROM
15 THE FUND; MAKING AN APPROPRIATION.
16

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

18 SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be
19 cited as the "Los Alamos National Laboratory Impacted
20 Communities Act".

21 SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the
22 Los Alamos National Laboratory Impacted Communities Act:

23 A. "council" means the impacted communities project
24 approval council;

25 B. "division" means the local government division

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1 of the department of finance and administration;

2 C. "fund" means the Los Alamos national laboratory
3 impacted communities fund;

4 D. "impacted communities" means:

- 5 (1) the city of Espanola;
- 6 (2) the Pueblo of Jemez;
- 7 (3) the city of Los Alamos;
- 8 (4) the Pueblo of Nambe;
- 9 (5) Ohkay Owingeh;
- 10 (6) the Pueblo of Picuris;
- 11 (7) the Pueblo of Pojoaque;
- 12 (8) Rio Arriba county;
- 13 (9) the Pueblo of San Ildefonso;
- 14 (10) the Pueblo of Santa Clara;
- 15 (11) Santa Fe county;
- 16 (12) the city of Santa Fe;
- 17 (13) Taos county;
- 18 (14) the town of Taos;
- 19 (15) the Pueblo of Taos; and
- 20 (16) the Pueblo of Tesuque; and

21 E. "infrastructure project" means:

22 (1) sanitary sewage systems, including
23 collection, transport, storage, treatment, dispersal, effluent
24 use and discharge;

25 (2) drainage and flood control systems,

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1 including collection, transport, diversion, storage, detention,
2 retention, dispersal, use and discharge;

3 (3) water systems for domestic, commercial,
4 office, industrial, irrigation, municipal, fire protection or
5 other purposes, including production, collection, storage,
6 treatment, transport, delivery, connection and dispersal;

7 (4) highways, streets, roadways, bridges,
8 crossing structures and parking facilities, including all areas
9 for vehicular use for travel, ingress, egress and parking;

10 (5) solid waste and garbage collection and
11 disposal;

12 (6) trails and areas for pedestrian,
13 equestrian, bicycle or other nonmotor vehicle use for travel,
14 ingress, egress and parking;

15 (7) landscaping, including earthworks,
16 structures, lakes and other water features, plants, trees and
17 related water delivery systems;

18 (8) public buildings and public safety
19 facilities, including fire protection and police facilities;

20 (9) electrical and energy generation,
21 transmission and distribution facilities, including solar, wind
22 and geothermal;

23 (10) natural gas distribution facilities;

24 (11) lighting systems;

25 (12) cable or other telecommunications lines

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1 and related equipment, including fiber optic transmission
2 facilities designed to carry communication signals such as
3 voice, data and video and any broadband technology
4 infrastructure;

5 (13) traffic control systems and devices,
6 including signals, controls, markings and signage;

7 (14) community or cultural facilities; and

8 (15) equipment, vehicles, furnishings and
9 other personalty related to the items listed in this
10 subsection.

11 SECTION 3. [NEW MATERIAL] COUNCIL CREATED--POWERS AND
12 DUTIES.--

13 A. The "impacted communities project approval
14 council" is created and is administratively attached to the
15 division.

16 B. The council shall consist of the following ex-
17 officio members or their designees:

18 (1) the governor;

19 (2) the state treasurer;

20 (3) the chief executive officer of the New
21 Mexico finance authority;

22 (4) the secretary of environment;

23 (5) the secretary of Indian affairs;

24 (6) the secretary of transportation;

25 (7) the director of the construction

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1 industries division of the regulation and licensing department;
2 and

3 (8) the staff architect.

4 C. The council shall consider applications for
5 infrastructure grants from the fund and recommendations from
6 reviewing agencies and the division. In deciding whether to
7 approve infrastructure projects, the council, except as
8 provided by applicable federal law, shall consider at least the
9 following:

10 (1) the health and safety of the residents to
11 be served by the proposed infrastructure project;

12 (2) the needs of other impacted communities
13 for infrastructure project funding; and

14 (3) other sources of funds available to the
15 impacted community to fund the proposed infrastructure project.

16 D. All action of the council shall be taken by vote
17 of a majority of the members of the council.

18 SECTION 4. [NEW MATERIAL] DIVISION--DUTIES--
19 APPLICATIONS--FISCAL AGENTS.--

20 A. The division shall:

21 (1) promulgate rules to implement the
22 provisions of the Los Alamos National Laboratory Impacted
23 Communities Act;

24 (2) prepare application forms for impacted
25 communities to apply for infrastructure project funding;

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1 (3) make recommendations to the council for
2 funding projects; and

3 (4) serve as a clearinghouse for impacted
4 communities on other funding sources for needed infrastructure
5 projects, including federal, state and private sources.

6 B. Application for an infrastructure project shall
7 be submitted to the division by an impacted community; provided
8 that an application for a pueblo shall also be signed by the
9 Indian affairs department as fiscal agent for the pueblo.

10 C. One or more impacted communities may submit a
11 joint application for an infrastructure project related to the
12 communities.

13 D. The application shall contain at least the
14 following:

15 (1) a general description of the proposed
16 infrastructure project and a general description of related
17 existing facilities, if any;

18 (2) a general description of all real estate,
19 if any, necessary for the proposed infrastructure project;

20 (3) preliminary plans and other documents
21 necessary to show the type, structure and general character of
22 the proposed infrastructure project;

23 (4) estimates of cost of the proposed
24 infrastructure project;

25 (5) a general description and statement of

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1 value of any real or personal property of the impacted
2 community applied or to be applied to the proposed
3 infrastructure project;

4 (6) a statement of funding previously applied
5 or currently held by or on behalf of the impacted community
6 that is available for and are to be applied to the proposed
7 infrastructure project;

8 (7) evidence of the arrangement made by the
9 impacted community for the financing of all costs of the
10 proposed infrastructure project in excess of the requested
11 assistance from the fund;

12 (8) evidence that an impacted community that
13 acts as its own fiscal agent pursuant to Subsection B of this
14 section has the organizational and technical competence to use
15 the requested funds efficiently; and

16 (9) evidence that the impacted community can
17 properly operate and maintain the infrastructure project for
18 its useful life.

19 E. After receipt of an application for a grant of
20 funds, the division shall provide copies of the application to
21 appropriate state agencies and the New Mexico finance
22 authority, which shall have fifteen working days to review the
23 application and submit comments to the council. The division
24 shall also review all applications and submit its
25 recommendations to the council.

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1 F. Upon a decision by the council to approve an
2 infrastructure project for an impacted community, the division
3 shall notify all appropriate state agencies of the
4 infrastructure project and request that the appropriate state
5 agencies monitor the infrastructure project to ensure that all
6 statutes and rules are complied with and that standards are
7 maintained.

8 SECTION 5. [NEW MATERIAL] FUND CREATED--PURPOSE.--

9 A. The "Los Alamos national laboratory impacted
10 communities fund" is created in the state treasury. Money in
11 the fund consists of appropriations, income from investment of
12 the fund, gifts, grants and donations. Money in the fund shall
13 not revert to any other fund at the end of a fiscal year. The
14 division shall administer the fund, and money in the fund is
15 appropriated to the division to carry out the purposes of the
16 fund. Expenditures from the fund shall be by warrant signed by
17 the secretary of finance and administration pursuant to
18 vouchers signed by the director of the division or the
19 director's authorized representative.

20 B. The fund shall be used to provide needed
21 infrastructure for communities impacted by Los Alamos national
22 laboratory as provided in the Los Alamos National Laboratory
23 Impacted Communities Act.

24 SECTION 6. APPROPRIATION.--Five million dollars
25 (\$5,000,000) is appropriated from the general fund to the Los

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1 Alamos national laboratory impacted communities fund for
2 expenditure in fiscal year 2019 and subsequent fiscal years to
3 carry out the provisions of the Los Alamos National Laboratory
4 Impacted Communities Act. Any unexpended or unencumbered
5 balance remaining at the end of a fiscal year shall not revert
6 to the general fund.