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FISCAL IMPACT REPORT

SPONSOR Sanchez ORIGINAL DATE 2/9/2020
LAST UPDATED _____ HB _____
SHORT TITLE Change Local Government Transpo Project Fund SB 224
ANALYST Jorgensen

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY20	FY21	FY22	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		See Fiscal Implications				

(Parenthesis () Indicate Expenditure Decreases)

Duplicates House Bill 207.

SOURCES OF INFORMATION

LFC Files

Responses Received From

Attorney General (NMAG)

Department of Transportation (DOT)

SUMMARY

Synopsis of Bill

Senate Bill 224 (SB224) changes the name of the "local government transportation project fund" (LGTPF) to "transportation project fund" (TPF). SB224 amends the LGPTF to include a "tribe," defined as "an Indian nation, tribe or pueblo located wholly or partially in New Mexico," as an eligible grant recipient under the fund. SB224 would also amend the definition of "transportation project" to add a "maintenance project" as an eligible project while expressly excluding a "transportation enhancement project" from eligibility.

FISCAL IMPLICATIONS

SB224 does not include an appropriation nor require spending, therefore the bill has no fiscal impact.

SIGNIFICANT ISSUES

NMAG notes in a response to duplicate legislation:

House Bill 207's provisions allowing tribes to be the recipients of grants from the

transportation project fund does not appear to raise a constitutional issue with respect to the anti-donation clause of the New Mexico Constitution because tribes are considered governmental entities and not private actors. *See* N.M. Atty. Gen. Letter to Hon. Ray Begaye, New Mexico House of Representatives (Aug. 14, 2012).

CONFLICT, DUPLICATION, COMPANSIONSHIP, RELATIONSHIP

DOT reports there are three different House bills propose amendments to the LGPTF: HB26, HB207, and HB220. HB26 and HB207 would change the name of the fund to “transportation project fund” and allow tribes to be eligible to receive grants from the fund. HB26 would amend the definition of a “transportation project” to expressly exclude “beautification projects” leaving the determination of what constitutes a beautification project to the State Transportation Commission. SB224 would expressly exclude “enhancement projects” leaving the determination of what constitutes an enhancement project to the State Transportation Commission. All three add a “maintenance” project” as an eligible project.

CJ/rl/al/sb