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SENATE BILL

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

George K. Munoz

AN ACT

RELATING TO PUBLIC FINANCE; CREATING THE FEDERAL INFRASTRUCTURE
MATCHING FUND TO ASSIST TRIBAL GOVERNMENTS IN MEETING MATCH
REQUIREMENTS FOR FEDERAL TRIBAL INFRASTRUCTURE GRANTS IN NEW
MEXICO; PROVIDING LIMITATIONS; MAKING AN APPROPRIATION.

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

SECTION 1. Section 6-29-1 NMSA 1978 (being Laws 2005,
Chapter 146, Section 1) is amended to read:

"6-29-1. SHORT TITLE.--~~[This act]~~ Chapter 6, Article 29
NMSA 1978 may be cited as the "Tribal Infrastructure Act"."

SECTION 2. Section 6-29-5 NMSA 1978 (being Laws 2005,
Chapter 146, Section 5) is amended to read:

"6-29-5. BOARD--DUTIES.--The board shall:

A. adopt rules governing terms, conditions and
priorities for providing financial assistance to tribes,

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1 including developing application and evaluation procedures and
2 forms and qualifications for applicants and for projects;

3 B. provide financial assistance to tribes for
4 qualified projects on terms and conditions established by the
5 board;

6 C. authorize funding for qualified projects,
7 including:

8 (1) planning, designing, constructing,
9 improving, expanding or equipping water and wastewater
10 facilities, major water systems, electrical power lines,
11 communications infrastructure, roads, health infrastructure,
12 emergency response facilities and infrastructure needed to
13 encourage economic development;

14 (2) developing engineering feasibility reports
15 for infrastructure projects;

16 (3) inspecting construction of qualified
17 projects;

18 (4) providing special engineering services;

19 (5) completing environmental assessments or
20 archaeological clearances and other surveys for infrastructure
21 projects;

22 (6) acquiring land, easements or rights of
23 way; and

24 (7) paying legal costs and fiscal agent fees
25 associated with development of qualified projects; and

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1 D. authorize grants from the federal infrastructure
2 matching fund to a tribal applicant to meet match requirements
3 for federal grants for infrastructure projects in New Mexico."

4 SECTION 3. A new section of the Tribal Infrastructure Act
5 is enacted to read:

6 "[NEW MATERIAL] FEDERAL INFRASTRUCTURE MATCHING FUND--
7 CREATED--PURPOSE--APPROVALS--EXPENDITURE LIMITATION.--

8 A. The "federal infrastructure matching fund" is
9 created as a nonreverting fund in the state treasury. The fund
10 consists of appropriations, income from investment of the fund,
11 gifts, grants and donations. The fund shall be administered by
12 the department of finance and administration. Money in the
13 fund is subject to appropriation by the legislature to provide
14 a funding source for tribal governments to meet match
15 requirements for federal tribal infrastructure grants for
16 projects wholly within New Mexico. The total amount that may
17 be expended from the fund per year is ten million dollars
18 (\$10,000,000).

19 B. Tribal governments may submit applications on
20 forms provided by the board. The application shall include
21 project approval by the state fiscal agent. The board, in
22 consultation with tribal governments, shall specify by rule
23 application requirements, including a maximum amount allowable
24 from the fund for any one grant based on the number of
25 applications submitted."

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1 SECTION 4. APPROPRIATION.--One hundred million dollars
2 (\$100,000,000) is appropriated from the general fund to the
3 federal infrastructure matching fund for expenditure in fiscal
4 year 2024 and subsequent fiscal years to meet match
5 requirements for federal tribal infrastructure grants. Any
6 unexpended or unencumbered balance remaining at the end of a
7 fiscal year shall not revert to the general fund.

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