SENATE BILL 235

43rd Legislature - STATE OF NEW MEXICO - second session, 1998

INTRODUCED BY

JOHN ARTHUR SMITH

AN ACT

RELATING TO FEDERAL REVENUES; PROHIBITING THE COMMITMENT OF
CERTAIN FEDERAL FUNDS BY THE STATE HIGHWAY AND TRANSPORTATION
DEPARTMENT WITHOUT THE EXPRESS AUTHORIZATION OF THE
LEGISLATURE.

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

Section 1. FEDERAL FUNDS--COMMITMENT OF FUTURE FUNDING PROHIBITED--EXCEPTIONS.--

A. The legislature finds that actions by the state highway and transportation department that, without authorization from the legislature, attempt to commit future federal funding illegally bind future administrators, governors and legislatures. The purpose of this section is to clarify that such actions are illegal and that any such commitments of future federal funding are void.

. 121886. 1

23

24

25

1	
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	

B. Neither the state highway and transportation
department, the secretary of highway and transportation nor
the state highway commission shall contract or otherwise
arrange for the expenditure or other commitment of federal
funds not yet received by the state unless:

- (1) the federal funds will be received no later than the end of the fiscal year following the fiscal year in which the contract or arrangement was entered into; or
- (2) the expenditure or other commitment of future federal funds has been expressly authorized by the legislature.
- C. Except as provided in Paragraphs (1) and (2) of Subsection B of this section, any attempted commitment of future federal funding is null and void.

- 2 -

FORTY-THIRD LEGISLATURE **SECOND SESSION, 1998** February 2, 1998 Mr. President: Your **COMMITTEES' COMMITTEE**, to whom has been referred **SENATE BILL 235** has had it under consideration and finds same to be **GERMANE**, according to constitutional provisions, and thence referred to the PUBLIC AFFAIRS COMMITTEE. Respectfully submitted, Manny M Aragon, Chairman

<u>Underscored material = new</u>
[bracketed material] = delete

	Adopted		Not	Adopted	
1		(Chief Clerk)			(Chief Clerk)
2					
3					
4		Date			_
5					
6					
7					
8	S0235CC1				
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					