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SENATE BILL 481

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Gloria Howes

AN ACT

RELATING TO LOCAL GOVERNMENT ROAD FUNDS; ELIMINATING LOCAL GOVERNMENT MATCH REQUIREMENTS; AMENDING AND REPEALING CERTAIN SECTIONS OF THE NMSA 1978; DECLARING AN EMERGENCY.

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

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1 pursuant to this section to 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,  
5 for municipalities and counties that can demonstrate financial  
6 hardship as determined by the department, automotive, major  
7 road and miscellaneous equipment that would otherwise be sold  
8 at auction by the department as unusable for department  
9 purposes. The department shall adopt rules setting the  
10 procedure to carry 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  
14 purposes:

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

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

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

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1 (c) fourteen percent for agreements  
2 entered into with school districts; and

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

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

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

25 (4) twenty-six percent for the county

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1 arterial program, to be used for project development,  
2 construction, reconstruction, improvement, maintenance, repair  
3 and right-of-way and material acquisition of and for county  
4 roads for which individual counties have prioritized road  
5 projects. Prior to entering into any agreements for projects  
6 with the counties for the following fiscal year, in June of  
7 each year the department shall determine and certify the  
8 amount to which each county is entitled pursuant to the  
9 following schedule:

| 10 Road Mileage Category Based on |                               |
|-----------------------------------|-------------------------------|
| 11 Number of Miles Maintained     |                               |
| 12 By a County:                   | Entitlement to County:        |
| 13 400 miles or under             | \$250 for each mile           |
| 14 401 to 800 miles               | \$100,000 plus \$200 for each |
| 15                                | mile over 400 miles           |
| 16 801 to 1,200 miles             | \$180,000 plus \$150 for each |
| 17                                | mile over 800 miles           |
| 18 1,201 to 1,600 miles           | \$240,000 plus \$100 for each |
| 19                                | mile over 1,200 miles         |
| 20 Over 1,600 miles               | \$300,000 plus \$50 for each  |
| 21                                | mile over 1,600 miles.        |

22 If in any year there is an insufficient amount in the  
23 fund of the county arterial program to certify the total  
24 amount to which all counties are entitled, the department  
25 shall decrease the entitlement amount due to each county in

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1 the same proportion as the insufficiency is to the total  
2 entitlements to all counties. [ ~~Distribution of an entitlement~~  
3 ~~amount and an agreement entered into with a county for any of~~  
4 ~~the purposes for which the money may be spent requires an~~  
5 ~~amount from the county equal to at least twenty-five percent~~  
6 ~~of the entitlement.~~] Any uncommitted or unencumbered balance  
7 remaining in the county arterial program fund at the end of a  
8 fiscal year shall be transferred to the cooperative agreement  
9 program specified in Paragraph (1) of this subsection for  
10 additional funding of that program in the next fiscal year.

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

17 Section 2. REPEAL. --Section 67-3-32 NMSA 1978 (being  
18 Laws 1983, Chapter 38, Section 1) is repealed.

19 Section 3. EMERGENCY.--It is necessary for the public  
20 peace, health and safety that this act take effect  
21 immediately.

1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

3  
4  
5 March 4, 1999

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7 Mr. President:

8  
9 Your CORPORATIONS & TRANSPORTATION COMMITTEE, to  
10 whom has been referred  
11

12  
13 SENATE BILL 481

14  
15 has had it under consideration and reports same with  
16 recommendation that it DO PASS, and thence referred to the  
17 WAYS & MEANS COMMITTEE.

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19 Respectfully submitted,  
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Roman M. Maes, Chairman

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Adopted \_\_\_\_\_ Not

Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 6 For 0 Against

Yes: 6

No: 0

Excused: Aragon, Macias, Rawson, Robinson

Absent: None

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