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HOUSE BILL 207

54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020

INTRODUCED BY

Harry Garcia and D. Wonda Johnson and Anthony Allison and
Derrick J. Lente and Eliseo Lee Alcon

AN ACT

RELATING TO TRANSPORTATION; CHANGING THE "LOCAL GOVERNMENT
TRANSPORTATION PROJECT FUND" TO THE "TRANSPORTATION PROJECT
FUND"; ALLOWING INDIAN NATION, TRIBE OR PUEBLO PROJECTS TO BE
FUNDED BY THE TRANSPORTATION PROJECT FUND.

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

SECTION 1. Section 67-3-78 NMSA 1978 (being Laws 2019,
Chapter 205, Section 1) is amended to read:

"67-3-78. [~~DEFINITIONS LOCAL GOVERNMENT~~] TRANSPORTATION
PROJECT FUND CREATED--~~[DISTRIBUTIONS]~~ PLANNING AND
PRIORITIZATION OF FUNDING TRANSPORTATION PROJECTS FOR COUNTIES,
MUNICIPALITIES AND INDIAN NATIONS, TRIBES AND PUEBLOS.--

~~[A. As used in this section:~~

~~(1) "fund" means the local government
transportation project fund;~~

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[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 ~~(2) "local government" means a county or~~
2 ~~municipality;~~

3 ~~(3) "local government transportation project"~~
4 ~~means environmental and other studies, planning, design,~~
5 ~~construction and acquisition of rights of way necessary for the~~
6 ~~development of transportation infrastructure in a county or~~
7 ~~municipality;~~

8 ~~(4) "non-state money" means money that does~~
9 ~~not derive from revenue or interest into the state treasury or~~
10 ~~into a state fund; and~~

11 ~~(5) "transportation infrastructure" means~~
12 ~~highways, streets, roadways, bridges, crossing structures and~~
13 ~~parking facilities, including all areas for vehicular use for~~
14 ~~travel, ingress, egress and parking.~~

15 B.] A. The "[~~local government~~] transportation
16 project fund" is created in the state treasury. The fund
17 consists of appropriations, donations, interest from investment
18 of the fund and other money distributed to the fund. The
19 department shall administer the fund and may establish
20 subaccounts for the fund as it deems necessary. Money in the
21 fund is appropriated to the department for expenditure as
22 provided in this section. Disbursements from the fund shall be
23 made by warrant of the secretary of finance and administration
24 pursuant to vouchers signed by the secretary of transportation
25 or the secretary's designee. Money in the fund shall not

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1 revert at the end of a fiscal year.

2 [G.] B. Money in the fund may be used to make a
3 grant to a [~~local government~~] county, municipality or tribe for
4 a [~~local government~~] transportation project that has been
5 approved pursuant to Subsection [D] C of this section for up
6 to:

7 (1) ninety-five percent of the total cost of a
8 [~~local government~~] transportation project; provided that the
9 [~~local government~~] county, municipality or tribe has
10 demonstrated an ability, and has contracted, to provide the
11 remainder of the project costs in non-state money; or

12 (2) one hundred percent of the total cost of a
13 [~~local government~~] transportation project if a financial
14 hardship qualification certificate is issued to the [~~local~~
15 ~~government~~] county, municipality or tribe by the department of
16 finance and administration and the level of hardship assistance
17 is approved by the state transportation commission; provided
18 that the [~~local government~~] county, municipality or tribe has
19 demonstrated an ability, and has contracted, to provide the
20 remainder, if any, of the project costs in non-state money.

21 [D.] C. By [~~August 1, 2019 and by~~] August 1 of each
22 year [~~thereafter~~], the secretary shall submit a proposed list
23 to the state transportation commission of [~~local government~~]
24 transportation projects identified through a transportation
25 planning process by [~~the department's metropolitan planning~~

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1 ~~organization and regional transportation planning organization~~
2 ~~planning process to the state transportation commission.~~
3 ~~Subject to any direction by the legislature regarding~~
4 ~~distributions from the fund, such as minimum distributions by~~
5 ~~engineering districts or to rural or urbanized local~~
6 ~~governments] metropolitan planning organizations and regional~~
7 ~~transportation planning organizations.~~ The commission shall
8 approve a prioritized list of [~~local government~~] the
9 transportation projects for funding from the fund by [~~September~~
10 ~~1, 2019 and by~~] September 1 of each year [~~thereafter~~]. The
11 commission may approve subsequent changes to a priority list as
12 [~~it~~] the commission deems necessary.

13 ~~[E.]~~ D. By [~~November 30, 2019 and by~~] November 30
14 of each year [~~thereafter~~], the department shall provide a
15 report to the appropriate interim legislative committee on the
16 status of the fund, the status of the [~~local government~~]
17 transportation projects for which grants have been made from
18 the fund and the outstanding demand for assistance from the
19 fund.

20 E. As used in this section:

21 (1) "fund" means the transportation project
22 fund;

23 (2) "metropolitan planning organization" means
24 the policy board of an organization designated by the state to
25 carry out a transportation planning process as permitted by

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underscored material = new
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1 federal law pursuant to 23 U.S.C. 134, as that section may be
2 amended or renumbered;

3 (3) "non-state money" means money that does
4 not derive from revenue or interest into the state treasury or
5 into a state fund;

6 (4) "regional transportation planning
7 organization" means the policy board of an organization
8 designated by the state to carry out a transportation planning
9 process as permitted by federal law pursuant to 23 U.S.C. 135,
10 as that section may be amended or renumbered;

11 (5) "transportation infrastructure" means
12 highways, streets, roadways, bridges, crossing structures and
13 parking facilities, including all areas for vehicular use for
14 travel, ingress, egress and parking;

15 (6) "transportation project" means
16 environmental and other studies, planning, design, construction
17 and maintenance of transportation infrastructure, and
18 acquisition of rights of way necessary for the development of
19 transportation infrastructure, in a county, municipality or
20 tribe, but "transportation project" does not mean a
21 transportation enhancement project, as determined by the state
22 transportation commission; and

23 (7) "tribe" means an Indian nation, tribe or
24 pueblo located wholly or partially in New Mexico."