

HOUSE BILL 232

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO EXECUTIVE REORGANIZATION; CREATING THE INFRASTRUCTURE PLANNING AND DEVELOPMENT DIVISION OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION; HTPWC→REORGANIZING THE LOCAL GOVERNMENT DIVISION OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION;←HTPWC TRANSFERRING FUNCTIONS, PERSONNEL, APPROPRIATIONS, MONEY, PROPERTY HTPWC→,←HTPWC HTPWC→AND←HTPWC CONTRACTUAL OBLIGATIONS HTPWC→AND STATUTORY REFERENCES←HTPWC .

.226863.2AIC February 1, 2024 (2:00pm)

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

SECTION 1. Section 6-15-2 NMSA 1978 (being Laws 1925, Chapter 131, Section 2, as amended) is amended to read:

"6-15-2. BOND ISSUES--LOCAL GOVERNMENT DIVISION [~~OR PUBLIC SCHOOL FINANCE DIVISION~~] OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION OR PUBLIC EDUCATION DEPARTMENT TO FURNISH INFORMATION--TRANSCRIPTS OF PROCEEDINGS--DISPOSITION.--It [~~shall be~~] is the duty of the local government division [~~or public school finance division~~] of the department of finance and administration or the public education department, upon the receipt of the notice mentioned in Section [~~1 hereof~~] 6-15-1 NMSA 1978, to furnish [~~such~~] the governing authorities with all necessary information with reference to the valuation, present outstanding bonded indebtedness, limitations as to tax rates and debt contracting power and [~~such~~] other information as may be useful to [~~such~~] the governing authorities and to the voters of [~~such~~] the county, [~~city, town, village~~] municipality or school district in the consideration of any proposal to issue bonds. Upon the adoption of a bond issue as provided by law by a county, [~~city, town, village~~] municipality or school district, the governing authorities [~~thereof~~] shall prepare a true and complete transcript of proceedings [~~also~~] and three exact copies of [~~such~~] the transcript of the proceedings had in connection with [~~such~~] the bond issue. One copy of the transcript of the proceedings shall be immediately filed with the local government division or [~~public school finance~~

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~~division of the department of finance and administration]~~ the department, one kept by the governing authorities and one copy to be furnished to the officer approving the bond issue as to its legality as provided by law."

SECTION 2. Section 9-6-1 NMSA 1978 (being Laws 1977, Chapter 247, Section 1, as amended) is amended to read:

"9-6-1. SHORT TITLE.--Sections 9-6-1 through 9-6-5.2, [~~and~~] 9-6-15, 9-6-16 and 9-6-20 NMSA 1978 may be cited as the "Department of Finance and Administration Act"."

SECTION 3. Section 9-6-3 NMSA 1978 (being Laws 1977, Chapter 247, Section 3, as amended) is amended to read:

"9-6-3. DEPARTMENT OF FINANCE AND ADMINISTRATION-- CREATION--TRANSFER AND MERGER OF DIVISION FUNCTIONS--MERGER AND CREATION OF DIVISIONS.--

A. The "department of finance and administration" is created. The department shall consist of those divisions created by law or executive order [~~as modified by executive order pursuant to Subsection C of this section~~], including but not limited to:

- (1) the board of finance division;
- (2) the financial control division;
- (3) the infrastructure planning and development division;
- [~~(3)~~] (4) the local government division;
- [~~(4)~~] (5) the management and contracts review

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division; and

[~~(5)~~] (6) the state budget division.

B. The secretary is empowered to organize the department and the divisions [~~thereof~~] of the department specified in Subsection A of this section and may transfer or merge functions between divisions in the interest of efficiency and economy.

C. The governor is empowered to merge divisions of the department or to create additional divisions by executive order in the interest of efficiency and economy."

SECTION 4. Section 9-6-16 NMSA 1978 (being Laws 2021, Chapter 62, Section 1) is amended to read:

"9-6-16. RURAL EQUITY OMBUD--~~[LOCAL GOVERNMENT]~~
INFRASTRUCTURE PLANNING AND DEVELOPMENT DIVISION OF THE
DEPARTMENT OF FINANCE AND ADMINISTRATION--DUTIES---

A. The [~~local government~~] infrastructure planning and development division of the department of finance and administration shall employ at least one "rural equity ombud", whose job it is to work on issues of concern to rural and frontier communities with:

- (1) the governor's office, the legislature and all state agencies;
- (2) counties and municipalities in the state;
- (3) federal agencies, including the rural utilities service and the rural development agency of the

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United States department of agriculture, the United States department of the interior, the United States department of housing and urban development and other appropriate federal agencies; and

(4) nonprofit organizations that address issues faced by rural and frontier communities or provide services to residents of those communities.

B. The rural equity ombud shall be employed solely on the basis of education and experience.

C. The rural equity ombud shall:

(1) provide technical assistance to federal, state and local governments on issues of concern for rural and frontier communities;

(2) provide planning assistance to the state and counties to ensure that concerns of residents of rural and frontier communities are being addressed as part of the state's or a county's planning processes in:

- (a) health;
- (b) human services;
- (c) educational services;
- (d) economic development;
- (e) infrastructure planning, funding and improvements, including water and wastewater, utilities, roads and highways, broadband and other infrastructure;
- (f) public safety;

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- (g) transportation;
 - (h) land use and land development;
 - (i) tourism;
 - (j) energy;
 - (k) natural resource management,
including game and fish resources;
 - (l) community development block grant
projects;
 - (m) state or local planning in
conjunction with federal agencies and funding; and
 - (n) any other planning processes that
affect rural and frontier communities;
- (3) serve as an advocate for rural and
frontier communities and work to ensure that those communities'
needs are met and that residents of rural and frontier
communities have a voice in state and local government;
- (4) take and resolve complaints from rural and
frontier communities;
- (5) provide bill analyses and provide
testimony to the legislature on legislation that positively or
negatively affects rural and frontier communities;
- (6) make annual reports to the governor and
the legislature on:
- (a) activities of the ombud, including
interactions with governmental agencies and the outcome of

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those interactions;

(b) complaints received and resolved;

(c) structural barriers to providing needed services to rural and frontier communities and recommendations for eliminating or ameliorating those barriers; and

(d) other information that may inform executive and legislative decisions affecting rural and frontier communities; and

(7) perform other duties as assigned by the director of the [~~local government~~] infrastructure planning and development division [~~of the department of finance and administration~~], the secretary of finance and administration, the governor or the legislature."

SECTION 5. A new section of the Department of Finance and Administration Act, Section 9-6-20 NMSA 1978, is enacted to read:

"9-6-20. [NEW MATERIAL] INFRASTRUCTURE PLANNING AND DEVELOPMENT DIVISION--DUTIES.--

A. The infrastructure planning and development division of the department of finance and administration consists of the following programs or bureaus that had previously been assigned to another division of the department:

(1) local government infrastructure capital improvements planning of the local government division;

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HTPWC→(2)←~~the federal matching fund of the local government division;~~←HTPWC

HTPWC→(3)←HTPWC HTPWC→(2)←HTPWC the rural equity ombud program of the local government division; and

HTPWC→(4)←HTPWC HTPWC→(3)←HTPWC other short- or long-term programs and funds of other divisions of the department that the secretary of finance and administration assigns to the infrastructure planning and development division.

B. In addition to other duties that may be assigned to the infrastructure planning and development division by the secretary of finance and administration or by law, the division shall:

(1) provide assistance to local governments, councils of governments and tribal governments in identifying and accessing funding for infrastructure development from public and private sources and in administering funding to complete capital projects;

(2) receive, review and evaluate capital project plans proposed by local governments, councils of government and tribal governments and provide advice on the plans; and

(3) coordinate with the federal grants bureau to leverage state dollars for federal infrastructure grants and to identify federal funding opportunities for state and local

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projects and track the pursuit and receipt of those federal grants."

HTPWC→~~SECTION 6. Section 9-14-4 NMSA 1978 (being Laws 1984, Chapter 5, Section 1) is amended to read:~~

~~"9-14-4. COMMUNITY DEVELOPMENT BLOCK GRANTS.--~~

~~A. The community development block grant programs shall be administered by the [local government] infrastructure planning and development division of the department of finance and administration.~~

~~B. The New Mexico community development council shall determine the recipients and amounts of community development block grant awards."~~←HTPWC

SECTION HTPWC→~~7.~~←HTPWC HTPWC→~~6.~~←HTPWC TEMPORARY PROVISION-- HTPWC→~~TRANSFERS~~←HTPWC HTPWC→~~TRANSFER~~←HTPWC .--

A. The HTPWC→~~following bureaus, including their functions, personnel, appropriations, money, records and other property, shall be transferred as follows:~~

~~(1) the federal grants bureau of the state budget division of the department of finance and administration shall be transferred to the infrastructure planning and development division of the department of finance and administration; and~~

~~(2) the community development bureau and~~ the←HTPWC rural equity ombud program of the local government

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division of the department of finance and administration
HTPWC→, including its functions, personnel, appropriations,
money, records and other property, ←HTPWC shall be transferred
to the infrastructure planning and development division of the
department of finance and administration.

B. The secretary of finance and administration
shall assign other programs and funds management to the
appropriate division.

C. Contractual obligations of any of the
transferred units of the department of finance and
administration shall continue to be obligations of the
department.

SECTION HTPWC→8. ←HTPWC HTPWC→7. ←HTPWC EFFECTIVE DATE.--

The effective date of the provisions of this act is July 1,
2024.