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AN ACT  
RELATING TO PUBLIC FINANCE; VOIDING GENERAL FUND  
APPROPRIATIONS MADE FOR CERTAIN PROJECTS, UNDER CERTAIN  
CIRCUMSTANCES; AUTHORIZING THE ISSUANCE OF SHORT-TERM  
SEVERANCE TAX BONDS, SHORT-TERM SUPPLEMENTAL SEVERANCE TAX  
BONDS AND STATE TRANSPORTATION PROJECT BONDS; PROVIDING FOR  
CERTAIN TRANSFERS TO THE GENERAL FUND AND TO THE  
APPROPRIATION CONTINGENCY FUND FROM OTHER FUNDS; REPEALING  
LAWS 2020, CHAPTER 64, SECTIONS 1 THROUGH 5; MAKING  
APPROPRIATIONS; DECLARING AN EMERGENCY.

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

SECTION 1. REVERSION OF BALANCES FROM LAWS 2019 GENERAL  
FUND APPROPRIATIONS FOR CERTAIN CAPITAL PROJECTS.--Except as  
otherwise provided in Section 2 of this 2020 act, the  
requirements for reversion contained in Section 6-29-9 NMSA  
1978 or in Laws 2019, Chapter 277, Section 1, on the date  
occurring ninety days after the effective date of this act,  
the unexpended or unencumbered balances of appropriations  
made from the general fund in Laws 2019, Chapter 277 to the  
following agencies for the following described projects shall  
revert to the general fund and the department of finance and  
administration shall transfer such unexpended or unencumbered  
balances to the general fund:

A. to the economic development department, one

1 hundred thousand dollars (\$100,000) for upgrades and repairs  
2 to the mobile livestock slaughter unit for the Taos county  
3 economic development corporation in Taos county;

4 B. to the public education department:

5 (1) seventy-three thousand dollars (\$73,000)  
6 to plan, design, construct, renovate, demolish, furnish,  
7 equip and install improvements to science classrooms at East  
8 Mountain high school in the Albuquerque public school  
9 district in Bernalillo county;

10 (2) two hundred thousand dollars (\$200,000)  
11 to purchase and equip an activity bus for the Gadsden  
12 independent school district in Dona Ana county;

13 (3) ten thousand dollars (\$10,000) to plan,  
14 design, construct, purchase, renovate, furnish and equip  
15 improvements to the New America school-Las Cruces buildings  
16 and grounds, including information technology and related  
17 equipment, vehicles and infrastructure, in Las Cruces in Dona  
18 Ana county;

19 (4) ten thousand dollars (\$10,000) to plan,  
20 design, construct and equip an early childhood playground for  
21 the west Las Vegas public school district head start program  
22 in San Miguel county;

23 (5) thirty-five thousand dollars (\$35,000)  
24 to plan, design, construct, equip, furnish and install a Kiva  
25 outdoor classroom and seating area at Nina Otero community

1 school in the Santa Fe public school district in Santa Fe  
2 county;

3 (6) ten thousand dollars (\$10,000) for  
4 development of an educational specification plan for  
5 alternative site facilities and to plan, design, construct,  
6 purchase and make improvements for permanent facilities at  
7 these sites in the Santa Fe public school district in Santa  
8 Fe county;

9 (7) ten thousand dollars (\$10,000) to  
10 acquire property and to plan, design and construct a school  
11 facility for the Tierra Encantada charter school in Santa Fe  
12 in Santa Fe county;

13 (8) thirty-five thousand dollars (\$35,000)  
14 to plan, design, construct, purchase, equip, furnish and  
15 install improvements to Kearny elementary school, including  
16 basketball court improvements and shade structures for the  
17 bus area and playgrounds, in the Santa Fe public school  
18 district in Santa Fe county;

19 (9) ten thousand dollars (\$10,000) to plan,  
20 design, construct, equip, furnish and install improvements to  
21 Mandela international magnet school, including the entrance  
22 and the main hall flooring, in the Santa Fe public school  
23 district in Santa Fe county;

24 (10) fifty thousand dollars (\$50,000) to  
25 purchase resources for the library at Milagro middle school

1 in the Santa Fe public school district in Santa Fe county;  
2 and

3 (11) three hundred thousand dollars  
4 (\$300,000) to plan, design and construct a building for the  
5 Red River Valley charter school in Red River in Taos county;

6 C. to the department of environment:

7 (1) sixty thousand dollars (\$60,000) to  
8 plan, design and construct water system improvements for the  
9 Puerto de Luna mutual domestic water consumers and mutual  
10 sewage works association in Guadalupe county;

11 (2) two hundred fifty thousand dollars  
12 (\$250,000) to plan, design, construct, purchase and install  
13 water meters for the water system in Vaughn in Guadalupe  
14 county;

15 (3) six hundred thousand dollars (\$600,000)  
16 to plan, design, construct, purchase and equip wells and well  
17 houses for Carrizozo in Lincoln county;

18 (4) eighty-five thousand dollars (\$85,000)  
19 to plan, design and construct water system improvements for  
20 the Buena Vista mutual domestic water consumer's and sewage  
21 works association in Mora county;

22 (5) twenty-five thousand dollars (\$25,000)  
23 to plan, design and construct water system improvements for  
24 the Plaza Blanca mutual domestic water consumers association  
25 in Rio Arriba county;

1                   (6) two hundred thousand dollars (\$200,000)  
2 to purchase, equip and install radio read meters for the Agua  
3 Sana water users association in Rio Arriba county;

4                   (7) four hundred thousand dollars (\$400,000)  
5 to plan, design and construct a regional pipeline connection  
6 to the Flora Vista water system from the North Star domestic  
7 water consumers and mutual sewage works cooperative in San  
8 Juan county;

9                   (8) five hundred thousand dollars (\$500,000)  
10 to plan, design and construct a water line extension from the  
11 Blanco mutual domestic water consumers and mutual sewage  
12 works association to the Turley and San Juan and Las Vegas  
13 communities in San Juan county;

14                   (9) eighty thousand dollars (\$80,000) to  
15 plan, design and construct water system improvements for the  
16 Rowe mutual domestic water consumers association in San  
17 Miguel county;

18                   (10) twenty-five thousand dollars (\$25,000)  
19 to plan, design and construct water system improvements for  
20 the Rowe mutual domestic water consumers association in San  
21 Miguel county; and

22                   (11) fifty thousand dollars (\$50,000) to  
23 plan, design and construct water system improvements for La  
24 Bajada mutual domestic water consumers association in Santa  
25 Fe county;

1 D. to the Indian affairs department:

2 (1) one hundred ninety thousand dollars  
3 (\$190,000) to plan, design, construct and equip the Laguna  
4 K'awaika community center in the Pueblo of Laguna in Cibola  
5 county;

6 (2) three hundred sixty thousand dollars  
7 (\$360,000) to plan, design, construct, furnish and equip an  
8 education complex, including a library, for the Pueblo of  
9 Santa Ana in Sandoval county; and

10 (3) twenty-five thousand dollars (\$25,000)  
11 to purchase furniture, information technology and equipment  
12 for the leadership institute at the Santa Fe Indian school in  
13 Santa Fe in Santa Fe county;

14 E. to the local government division of the  
15 department of finance and administration:

16 (1) one hundred seventy-five thousand  
17 dollars (\$175,000) to acquire property for a Crestview bluffs  
18 open space area and to match funds for a national park  
19 service land and water conservation fund grant for the  
20 purchase of Crestview bluffs in Bernalillo county;

21 (2) five hundred sixty thousand dollars  
22 (\$560,000) to plan, design, construct, furnish and equip  
23 buildings and infrastructure at the South Valley commons in  
24 Bernalillo county;

25 (3) seven thousand dollars (\$7,000) to

1 purchase tools and equipment for a community bicycle  
2 recycling program in the Atrisco community and southwest area  
3 of Albuquerque in Bernalillo county;

4 (4) six hundred thousand dollars (\$600,000)  
5 to plan, design and construct phase 1 of the Cibola loop  
6 community complex, including a library and multigenerational  
7 center, in Albuquerque in Bernalillo county;

8 (5) seventy-five thousand dollars (\$75,000)  
9 to plan, design, construct, purchase, equip and install  
10 improvements, including heating, ventilation and air  
11 conditioning systems, at a community dental program in  
12 Albuquerque in Bernalillo county;

13 (6) three hundred sixty thousand five  
14 hundred dollars (\$360,500) to acquire property and to plan,  
15 design and construct an urban green space along the Crestview  
16 bluff area off the Arenal drain from west Central avenue to  
17 Bridge boulevard both within and outside the city limits of  
18 Albuquerque in Bernalillo county;

19 (7) fifty thousand dollars (\$50,000) to  
20 plan, design, construct, equip and install electronic digital  
21 display signs in Albuquerque in Bernalillo county;

22 (8) twenty thousand dollars (\$20,000) to  
23 plan, design, construct, furnish and equip a covered  
24 accessible bus stop at Golf Course road serving southbound  
25 commuter route 92 at Homestead trail in Albuquerque in

1 Bernalillo county;

2 (9) eight hundred twenty-three thousand  
3 eight hundred ninety-eight dollars (\$823,898) to plan,  
4 design, construct and renovate a facility for the Holocaust  
5 and Intolerance museum in Albuquerque in Bernalillo county;

6 (10) ninety-five thousand dollars (\$95,000)  
7 to furnish, equip and purchase information technology for a  
8 flamenco institute headquarters in Albuquerque in Bernalillo  
9 county;

10 (11) one hundred twenty-five thousand  
11 dollars (\$125,000) to plan, design, construct, renovate,  
12 furnish, equip and install phase 3 improvements, including a  
13 basketball court, to the Joan Jones community center in  
14 Albuquerque in Bernalillo county;

15 (12) one hundred forty-five thousand dollars  
16 (\$145,000) to purchase and install equipment and furnishings,  
17 including sound and audiovisual systems, seating, lighting,  
18 musical instruments and furniture, for a performance and art  
19 space in Albuquerque in Bernalillo county;

20 (13) one hundred thirty-five thousand  
21 dollars (\$135,000) to plan, design and equip construction of  
22 outdoor public murals in Albuquerque in Bernalillo county;

23 (14) fifty thousand dollars (\$50,000) to  
24 plan, design, construct and install route 66 signage at the  
25 Central avenue and Lomas boulevard intersection area in

1 Albuquerque in Bernalillo county;

2 (15) one hundred five thousand dollars  
3 (\$105,000) to plan, design, construct, furnish and equip a  
4 driver's room at the Spanish Bit transit station in  
5 Albuquerque in Bernalillo county;

6 (16) four hundred ninety thousand dollars  
7 (\$490,000) to plan, design, construct, furnish and equip a  
8 bicycle repair education facility in Villela park in  
9 Albuquerque in Bernalillo county;

10 (17) two hundred forty thousand dollars  
11 (\$240,000) to purchase property for the development of a park  
12 near the Wells Park community center in Albuquerque in  
13 Bernalillo county;

14 (18) one hundred thousand dollars (\$100,000)  
15 to acquire land for and to plan, design, construct and equip  
16 the Westgate little league complex in Albuquerque in  
17 Bernalillo county;

18 (19) sixty-eight thousand dollars (\$68,000)  
19 to plan, design, construct, install and equip a recreational  
20 vehicle park on the common lands of the Canon de Carnue land  
21 grant-merced in Bernalillo county;

22 (20) one hundred fifty thousand dollars  
23 (\$150,000) to plan, design and construct improvements,  
24 including heating, ventilation and air conditioning systems,  
25 to a community center in Vaughn in Guadalupe county;

1 (21) twenty thousand dollars (\$20,000) to  
2 plan, design, construct, renovate, purchase, equip and  
3 install improvements, including fencing, to a veterans  
4 memorial park in Mosquero in Harding county;

5 (22) two hundred forty thousand dollars  
6 (\$240,000) to plan, design, construct, furnish and equip  
7 improvements, including a new screen, projection equipment,  
8 seats, restrooms and a concession area, to the Chief theater  
9 in Mora county;

10 (23) thirty-eight thousand dollars (\$38,000)  
11 to plan, design, construct and equip a rural electric vehicle  
12 charging network for the Greentree solid waste authority and  
13 the Mescalero Apache Tribe in Lincoln and Otero counties;

14 (24) one hundred eighty-five thousand  
15 dollars (\$185,000) to purchase property and to plan, design  
16 and construct new recreational spaces and trails in Espanola  
17 in Rio Arriba and Santa Fe counties;

18 (25) twelve thousand ninety-five dollars  
19 (\$12,095) to plan, design and construct improvements to the  
20 Sacramento mountains museum and pioneer village in Cloudcroft  
21 in Otero county;

22 (26) one hundred thousand dollars (\$100,000)  
23 to purchase and equip vehicles for the boys and girls club of  
24 Santa Fe/del norte in Rio Arriba county;

25 (27) fifty thousand dollars (\$50,000) to

1 plan, design, construct, renovate, furnish and equip  
2 improvements to the Tecolote land grant-merced multipurpose  
3 center, including the roof and septic system, in San Miguel  
4 county;

5 (28) thirty thousand dollars (\$30,000) to  
6 plan and design improvements to a community park in Jemez  
7 Springs in Sandoval county;

8 (29) ninety-five thousand dollars (\$95,000)  
9 to plan, design, construct and equip a yurt for the Santa Fe  
10 mountain center youth and adult programs in Santa Fe county;

11 (30) eighty-four thousand five hundred  
12 dollars (\$84,500) to plan, design, construct and equip  
13 improvements to the Santa Fe mountain center urban adventure  
14 center building in Santa Fe in Santa Fe county;

15 (31) one hundred thousand dollars (\$100,000)  
16 to plan, design, renovate, construct, equip and furnish a  
17 multipurpose center in Cerro in Taos county; and

18 (32) fifty thousand dollars (\$50,000) for  
19 the land grant council to acquire land within and for the  
20 Cristobal de la Serna land grant-merced in Taos county;

21 F. to the department of transportation:

22 (1) twenty-five thousand dollars (\$25,000)  
23 to plan, design and construct pedestrian walkways and bicycle  
24 paths along New Mexico highway 14 in Bernalillo county;

25 (2) one hundred fifty-two thousand dollars

1 (\$152,000) to acquire rights of way for and to plan, design  
2 and construct improvements, including accessibility, to  
3 sidewalks in the Parkland Hills neighborhood in Albuquerque  
4 in Bernalillo county;

5 (3) seventy-five thousand dollars (\$75,000)  
6 to plan, design and construct pedestrian and traffic calming  
7 improvements to the Santa Barbara-Martineztown area of  
8 Albuquerque in Bernalillo county;

9 (4) one hundred thousand dollars (\$100,000)  
10 to plan and design improvements to Palomas avenue NE from  
11 Louisiana boulevard to San Pedro road in Albuquerque in  
12 Bernalillo county;

13 (5) one hundred thousand dollars (\$100,000)  
14 to acquire rights of way for and to plan, design and  
15 construct sidewalks in La Union in Dona Ana county;

16 (6) sixty-six thousand seven hundred fifty  
17 dollars (\$66,750) to plan, design, construct, repair and  
18 improve the infrastructure for roads and storm drainage in  
19 Corrales in Sandoval county;

20 (7) one hundred thousand dollars (\$100,000)  
21 to purchase easements and rights of way for and to plan,  
22 design, extend and construct Zafarano drive from Rufina  
23 street to Agua Fria street in Santa Fe county; and

24 (8) one hundred fifteen thousand dollars  
25 (\$115,000) for a drainage master plan and to plan, design and

1 construct drainage improvements in Rio Communities in  
2 Valencia county;

3 G. to the higher education department:

4 (1) three hundred thousand dollars  
5 (\$300,000) to plan, design and construct the central New  
6 Mexico community college film production center of excellence  
7 at the rail yards in Albuquerque in Bernalillo county;

8 (2) seven hundred fifty thousand dollars  
9 (\$750,000) for the expansion of the trades program facility  
10 at the Crownpoint campus of Navajo technical university in  
11 McKinley county; and

12 (3) ten thousand dollars (\$10,000) to plan,  
13 design, construct, renovate, purchase, equip and install  
14 infrastructure improvements to Santa Fe community college  
15 adult education facilities, including flooring, equipment and  
16 training and laboratory space improvements, in Santa Fe  
17 county; and

18 H. to the board of regents of eastern New Mexico  
19 university, six hundred fifty thousand dollars (\$650,000) to  
20 construct a president's residence and public event venue for  
21 eastern New Mexico university in Portales in Roosevelt  
22 county.

23 SECTION 2. EXCEPTION TO REVERSION OF BALANCES FROM LAWS  
24 2019 GENERAL FUND APPROPRIATIONS FOR CERTAIN CAPITAL  
25 PROJECTS.--A reversion of an appropriation, as provided

1 pursuant to Section 1 of this 2020 act, shall be void if the  
2 agency for which the appropriation was made certifies to the  
3 secretary of finance and administration, before a date  
4 occurring ninety days after the effective date of this 2020  
5 act, that the agency has incurred a substantial binding  
6 obligation to a third party to expend at least five percent  
7 of the appropriation for the project.

8 SECTION 3. REVERSION OF BALANCES FROM LAWS 2019 GENERAL  
9 FUND APPROPRIATION TO THE BORDER AUTHORITY.--Notwithstanding  
10 the requirements for reversion contained in Laws 2019,  
11 Chapter 277, Section 1, on the effective date of this act,  
12 two million four hundred thousand dollars (\$2,400,000) of the  
13 unexpended or unencumbered balance of the appropriation to  
14 the border authority to plan, design and construct a road  
15 between Santa Teresa and Sunland Park in Dona Ana county as  
16 provided in Subsection 1 of Section 6 of Chapter 277 of Laws  
17 2019 shall revert to the general fund, and within thirty days  
18 of the effective date of this act, the department of finance  
19 and administration shall transfer such unexpended or  
20 unencumbered balance to the general fund.

21 SECTION 4. SHORT-TERM SEVERANCE TAX BONDS AND SHORT-  
22 TERM SUPPLEMENTAL SEVERANCE TAX BONDS--ISSUANCE--  
23 APPROPRIATION OF PROCEEDS.--

24 A. In addition to the bonds issued in accordance  
25 with Section 7-27-14 NMSA 1978, and notwithstanding the

1 limitations of that section, Section 7-27-10.1 NMSA 1978 or  
2 Section 7-27-12.5 NMSA 1978, in fiscal year 2020, the state  
3 board of finance shall, in compliance with the Severance Tax  
4 Bonding Act, issue and sell severance tax bonds with a term  
5 that does not extend beyond the end of the fiscal year or  
6 supplemental severance tax bonds with a term that does not  
7 extend beyond the end of the fiscal year, or a combination of  
8 those severance tax bonds and supplemental severance tax  
9 bonds, up to the total amount calculated pursuant to  
10 Subsection C of this section, when the:

11 (1) secretary of finance and administration  
12 certifies the need for the severance tax bonds pursuant to  
13 Subsection B of this section and upon a finding by the  
14 secretary that the projects for which the bonds are to be  
15 issued have been developed sufficiently to justify the  
16 issuance and that the projects can proceed to contract within  
17 a reasonable time; and

18 (2) public school capital outlay council  
19 certifies the need for the supplemental severance tax bonds,  
20 subject to the limitations of Subsection H of this section.

21 B. The secretary of finance and administration  
22 shall certify the need for the severance tax bonds issued  
23 pursuant to this section only if the balance in the severance  
24 tax bonding fund as of the date the bonds are issued exceeds  
25 the sum of the:

1                   (1) debt service on the severance tax bonds  
2 and supplemental severance tax bonds issued in accordance  
3 with this section; and

4                   (2) amount necessary to meet all principal  
5 and interest payments on outstanding bonds payable from the  
6 severance tax bonding fund on the next two ensuing semiannual  
7 payment dates.

8                   C. The secretary of finance and administration  
9 shall, prior to the end of fiscal year 2020, determine the  
10 amount of money in the severance tax bonding fund, less the  
11 amount necessary to meet all principal and interest payments  
12 on the:

13                   (1) severance tax bonds and supplemental  
14 severance tax bonds issued in accordance with this section;  
15 and

16                   (2) bonds payable from the severance tax  
17 bonding fund on the next two ensuing semiannual payment  
18 dates.

19                   D. The state board of finance shall issue and sell  
20 the bonds in the most expeditious and economical manner  
21 possible. The state board of finance shall further take the  
22 appropriate steps necessary to comply with the United States  
23 Internal Revenue Code of 1986, as amended.

24                   E. Except as provided in Subsection G of this  
25 section, proceeds from the sale of the severance tax bonds

1 issued and sold pursuant to this section shall be  
2 appropriated up to the amounts, to the entities and for the  
3 projects as provided pursuant to:

4 (1) Laws 2020, Chapter 81, Sections 4, 6  
5 through 32 and 34 through 48;

6 (2) Item (2) of Section 25 and Items (4) and  
7 (6) of Section 26 of Chapter 80 of Laws 2018; and

8 (3) Laws 2019, Chapter 280, Sections 4 and  
9 114.

10 F. The agencies for which appropriations are made  
11 pursuant to Subsection E of this section shall certify the  
12 need for severance tax bonds when proceeds from the bonds  
13 appropriated in this section are needed for the purposes for  
14 which the appropriations are made.

15 G. The following percentages of the proceeds from  
16 the severance tax bonds are appropriated as follows:

17 (1) nine percent of the proceeds is  
18 appropriated to the water project fund to fund water projects  
19 statewide, pursuant to the provisions of Subsection C of  
20 Section 7-27-10.1 NMSA 1978;

21 (2) four and one-half percent of the  
22 proceeds is appropriated to the tribal infrastructure project  
23 fund to fund tribal infrastructure projects, pursuant to the  
24 provisions of Subsection E of Section 7-27-10.1 NMSA 1978;  
25 and

1 (3) four and one-half percent of the  
2 proceeds is appropriated to the colonias infrastructure  
3 project fund to fund colonias infrastructure projects in  
4 accordance with the provisions of Subsection B of Section  
5 7-27-12.5 NMSA 1978.

6 H. Provided that the secretary of finance and  
7 administration makes the certification pursuant to Subsection  
8 B of this section, in addition to proceeds from any other  
9 supplemental severance tax bonds issued in fiscal year 2020,  
10 the public school capital outlay council may, in fiscal year  
11 2020, certify the need for supplemental severance tax bond  
12 proceeds in an aggregate principal amount not to exceed  
13 fifty-five million dollars (\$55,000,000).

14 I. Except as otherwise specifically provided by  
15 law:

16 (1) the unexpended balance from the proceeds  
17 of severance tax bonds appropriated in this section for a  
18 project shall revert to the severance tax bonding fund no  
19 later than the following dates:

20 (a) for a project for which severance  
21 tax bond proceeds are appropriated to match federal grants,  
22 six months after completion of the project;

23 (b) for a project for which severance  
24 tax bond proceeds are appropriated to purchase vehicles,  
25 including emergency vehicles and other vehicles that require

1 special equipment; heavy equipment; books; educational  
2 technology; or other equipment or furniture that is not  
3 related to a more inclusive construction or renovation  
4 project, at the end of the fiscal year two years following  
5 the fiscal year in which severance tax bond proceeds were  
6 made available for the purchase; and

7 (c) for any other project for which  
8 severance tax bonds were appropriated, within six months of  
9 the completion of the project, but no later than the end of  
10 fiscal year 2024; and

11 (2) all remaining balances from the proceeds  
12 of severance tax bonds appropriated for a project pursuant to  
13 this section shall revert to the severance tax bonding fund  
14 three months after the latest reversion date specified for  
15 that type of project in Paragraph (1) of this subsection.

16 J. Except for appropriations to the capital  
17 program fund, money from severance tax bond proceeds provided  
18 pursuant to this section shall not be used to pay indirect  
19 project costs.

20 K. For the purpose of this section, "unexpended  
21 balance" means the remainder of an appropriation after  
22 reserving for unpaid costs and expenses covered by binding  
23 written obligations to third parties.

24 SECTION 5. Section 67-3-59.2 NMSA 1978 (being Laws 1999  
25 (1st S.S.), Chapter 9, Section 3, as amended) is amended to

1 read:

2 "67-3-59.2. HIGHWAY INFRASTRUCTURE FUND CREATED--  
3 PURPOSE.--

4 A. The "highway infrastructure fund" is created in  
5 the state treasury and shall be administered by the  
6 department. The fund shall consist of money from various  
7 fees and taxes distributed to the fund. Earnings on  
8 investment of the fund shall be credited to the fund.  
9 Balances in the fund at the end of any fiscal year shall not  
10 revert and shall remain in the fund for the purposes  
11 authorized in this section.

12 B. Money in the fund shall be used solely for  
13 acquisition of rights of way or planning, design,  
14 engineering, construction or improvement of state highway  
15 projects authorized pursuant to the provisions of Laws 1998,  
16 Chapter 84, Subsections C through H of Section 1 of Chapter  
17 85 of Laws 1998, Laws 2003 (1st S.S.), Chapter 3, Sections 27  
18 and 28 and Section 8 of this 2020 act and is appropriated to  
19 the department for expenditure for those purposes.

20 C. The taxes and fees required by law to be  
21 distributed to the highway infrastructure fund may be pledged  
22 for the payment of bonds issued pursuant to Sections  
23 67-3-59.1, 67-3-59.3 and 67-3-59.4 NMSA 1978 and Section 8 of  
24 this 2020 act for the highway projects authorized in the laws  
25 specified in Subsection B of this section."

1 SECTION 6. Section 67-3-59.3 NMSA 1978 (being Laws 2003  
2 (1st S.S.), Chapter 3, Section 24) is amended to read:

3 "67-3-59.3. STATE TRANSPORTATION PROJECT BONDS--  
4 ISSUANCE--PROCEDURES--APPROVAL.--

5 A. In order to provide funds to finance state  
6 transportation projects, the New Mexico finance authority,  
7 when directed by the state transportation commission, is  
8 authorized, subject to the limitations of this section,  
9 Section 67-3-59.4 NMSA 1978 and Section 8 of this 2020 act,  
10 to issue state transportation project bonds from time to  
11 time, payable from:

12 (1) federal funds not otherwise obligated  
13 that are paid into the state road fund;

14 (2) proceeds of the collection of taxes and  
15 fees that are required to be paid into the state road fund  
16 and not otherwise pledged exclusively to the payment of  
17 outstanding bonds and debentures; and

18 (3) taxes and fees required by law to be  
19 paid into the highway infrastructure fund.

20 B. The New Mexico finance authority, when directed  
21 by the state transportation commission, may issue bonds to  
22 refund other bonds issued by or at the direction of the state  
23 transportation commission pursuant to this section or Section  
24 67-3-59.1 NMSA 1978 by exchange or current or advance  
25 refunding.

1           C. In consultation with the state transportation  
2 commission, the New Mexico finance authority shall determine  
3 all terms, covenants and conditions of the bonds; provided  
4 that the project design life of a project meets or exceeds  
5 the life of the bond issued for that project, and each series  
6 of bonds shall be sold, executed and delivered in accordance  
7 with the provisions of the New Mexico Finance Authority Act.  
8 The New Mexico finance authority may enter into interest rate  
9 exchange agreements, interest rate swap contracts, insurance  
10 agreements, remarketing agreements and any other agreements  
11 deemed necessary in connection with the issuance of the  
12 bonds.

13           D. Proceeds of the bonds and amounts on deposit in  
14 the state road fund and the highway infrastructure fund may  
15 be used to pay expenses incurred in the preparation,  
16 administration, issuance and sale of the bonds and, together  
17 with the earnings on the proceeds of the bonds, may be used  
18 to pay rebate, penalty, interest and other obligations  
19 relating to the bonds and the proceeds of the bonds under the  
20 Internal Revenue Code of 1986, as amended.

21           E. This section is full authority for the issuance  
22 and sale of the bonds, and the bonds shall not be invalid for  
23 any irregularity or defect in the proceedings for their  
24 issuance and sale and shall be incontestable in the hands of  
25 bona fide purchasers or holders of the bond for value.

1           F. The bonds shall be legal investments for a  
2 person or board charged with the investment of public funds  
3 and may be accepted as security for a deposit of public money  
4 and, with the interest thereon, are exempt from taxation by  
5 the state and a political subdivision or agency of the state.

6           G. Any law authorizing the imposition or  
7 distribution of taxes or fees paid into the state road fund  
8 or the highway infrastructure fund or that affects those  
9 taxes and fees shall not be amended or repealed or otherwise  
10 directly or indirectly modified so as to impair outstanding  
11 bonds secured by a pledge of revenues from those taxes and  
12 fees paid into the state road fund or the highway  
13 infrastructure fund, unless the bonds have been discharged in  
14 full or provisions have been made for a full discharge. In  
15 addition, while any bonds issued by the New Mexico finance  
16 authority pursuant to the provisions of this section remain  
17 outstanding, the powers or duties of the state transportation  
18 commission or the authority shall not be diminished or  
19 impaired in any manner that will affect adversely the  
20 interests and rights of the holder of such bonds.

21           H. In contracting for state transportation  
22 projects to be paid in whole or in part with proceeds of  
23 bonds authorized by this section, the department shall  
24 require that any sand, gravel, caliche or similar material  
25 needed for the project shall, if practicable, be mined from

1 state lands. Each contract shall provide that the contractor  
2 notify the commissioner of public lands of the need for the  
3 material and that, through lease or purchase, the material  
4 shall be mined from state lands if:

5 (1) the material needed is available from  
6 state lands in the vicinity of the project;

7 (2) the commissioner determines that the  
8 lease or purchase is in the best interest of the state land  
9 trust beneficiaries; and

10 (3) the cost to the contractor for the  
11 material, including the costs of transportation, is  
12 competitive with other available material from nonstate  
13 lands.

14 I. Bonds issued pursuant to this section shall be  
15 paid solely from federal funds not otherwise obligated and  
16 taxes and fees deposited into the state road fund and the  
17 highway infrastructure fund and shall not constitute a  
18 general obligation of the state.

19 J. For purposes of this section, "state  
20 transportation project bonds" includes only those bonds  
21 issued pursuant to this section and excludes transportation  
22 bonds as defined in Section 67-3-72 NMSA 1978."

23 SECTION 7. Section 67-3-59.4 NMSA 1978 (being Laws 2003  
24 (1st S.S.), Chapter 3, Section 26) is amended to read:

25 "67-3-59.4. STATE TRANSPORTATION PROJECT BONDS--

1 AUTHORIZATION AND APPROPRIATION--PRIORITIES--CRITERIA--  
2 REPORTS.--

3 A. It is the intent of the legislature to  
4 authorize the New Mexico finance authority to issue state  
5 transportation project bonds pursuant to Section 67-3-59.3  
6 NMSA 1978 for projects specified in Laws 2003 (1st S.S.),  
7 Chapter 3, Sections 27 and 28 and in Section 8 of this 2020  
8 act in the total aggregate principal amount of one billion  
9 five hundred eighty-five million dollars (\$1,585,000,000).

10 B. The state transportation commission may  
11 authorize the New Mexico finance authority to issue and sell  
12 state transportation project bonds. The proceeds of the  
13 bonds are appropriated to the department of transportation  
14 for projects listed in Laws 2003 (1st S.S.), Chapter 3,  
15 Sections 27 and 28 and in Section 8 of this 2020 act.

16 C. The department of transportation shall provide  
17 to the legislature and the governor a report on  
18 transportation priorities and progress. The report shall  
19 include:

20 (1) justification of priority ranking of  
21 projects, including the following for each highway project  
22 enumerated in Laws 2003 (1st S.S.), Chapter 3, Sections 27  
23 and 28:

24 (a) traffic counts and accident rates  
25 and the expected improvements to traffic flow, health and

1 safety;

2 (b) the ranking of the pavement and  
3 substructure conditions;

4 (c) an assessment of economic  
5 development impacts; and

6 (d) other information deemed  
7 significant by the department;

8 (2) the expected life of the proposed  
9 improvement;

10 (3) sufficiency of revenue to pay the  
11 principal and interest of all outstanding and proposed bonds  
12 based on a five- and twenty-year financial forecast for the  
13 state road fund and the effect of the bond program on the  
14 department's construction and maintenance program;

15 (4) status report of ongoing major  
16 construction;

17 (5) the relationship between the requested  
18 projects and the statewide transportation improvement  
19 program; and

20 (6) any other information requested by the  
21 legislature or the executive.

22 D. The department of transportation shall provide  
23 quarterly progress reports to the department of finance and  
24 administration and the legislative finance committee.

25 E. The department of transportation shall adopt

1 and enforce rules with the goal that no less than seventy  
2 percent of the work force of an exclusively state-funded  
3 project authorized in Laws 2003 (1st S.S.), Chapter 3,  
4 Sections 27 and 28 shall be residents of New Mexico."

5 SECTION 8. DEPARTMENT OF TRANSPORTATION PROJECTS--  
6 APPROPRIATION REVERSION--AUTHORIZATION TO ISSUE STATE  
7 TRANSPORTATION PROJECT BONDS.--

8 A. Notwithstanding the provisions of Laws 2019,  
9 Chapter 271, Section 9, seventy-five million dollars  
10 (\$75,000,000) of the unexpended or unencumbered balance of  
11 the appropriation provided pursuant to that law from the  
12 general fund to the department of transportation for  
13 acquisition of rights of way, planning, design and  
14 construction and to match federal and other state funds for  
15 projects shall not be expended or encumbered and shall revert  
16 to the general fund at the end of fiscal year 2020.

17 B. Of the aggregate principal amount of one  
18 billion five hundred eighty-five million dollars  
19 (\$1,585,000,000) for state transportation project bonds that  
20 the New Mexico finance authority is authorized to issue  
21 pursuant to Sections 67-3-59.3 and 67-3-59.4 NMSA 1978, the  
22 New Mexico finance authority may, on or after July 1, 2022,  
23 issue and sell state transportation project bonds in a  
24 principal amount not to exceed seventy-five million dollars  
25 (\$75,000,000) for acquisition of rights of way, planning,

1 design and construction and to match federal and other state  
2 funds for projects for which general fund appropriations were  
3 made pursuant to Laws 2019, Chapter 271, Section 9.

4 C. The department of transportation may use the  
5 net proceeds of state transportation project bonds issued by  
6 the New Mexico finance authority pursuant to Subsection B of  
7 this section for the projects for which general fund  
8 appropriations were made pursuant to Laws 2019, Chapter 271,  
9 Section 9.

10 D. Any unexpended or unencumbered balance after  
11 the completion of the projects authorized in this section  
12 shall revert to the state road fund.

13 SECTION 9. FUND AND OTHER ACCOUNT TRANSFERS AND  
14 REVERSIONS TO THE GENERAL FUND--FISCAL YEAR 2020.--

15 Notwithstanding any restriction on or use of money in the  
16 funds or accounts, the following unexpended or unencumbered  
17 balances from the following amounts from the following funds  
18 or accounts are transferred to the fiscal year 2020  
19 appropriation account of the general fund:

20 A. one million dollars (\$1,000,000) from the  
21 consumer settlement fund of the office of the attorney  
22 general;

23 B. one million dollars (\$1,000,000) from the local  
24 DWI grant fund;

25 C. two million dollars (\$2,000,000) from the

1 enhanced 911 fund;

2 D. four million dollars (\$4,000,000) from the  
3 public liability fund;

4 E. one million dollars (\$1,000,000) from the  
5 public property reserve fund;

6 F. one million dollars (\$1,000,000) from the New  
7 Mexico youth conservation corps fund;

8 G. seven hundred fifty thousand dollars (\$750,000)  
9 from the medical cannabis fund;

10 H. two million dollars (\$2,000,000) from the  
11 corrective action fund;

12 ~~I. four million dollars (\$4,000,000) from the~~  
13 ~~rural infrastructure revolving loan fund;~~

14 J. two million dollars (\$2,000,000) from the  
15 college affordability endowment fund;

16 K. two million dollars (\$2,000,000) from the  
17 student financial aid special programs fund of the higher  
18 education department;

19 L. two million dollars (\$2,000,000) from the local  
20 government planning fund of the New Mexico finance authority;

21 M. five million three hundred thousand dollars  
22 (\$5,300,000) from the water project fund of the New Mexico  
23 finance authority;

24 N. two million five hundred thousand dollars  
25 (\$2,500,000) from the drinking water state revolving loan

1 fund of the New Mexico finance authority; and

2 O. three million dollars (\$3,000,000) from the  
3 primary care capital fund of the New Mexico finance  
4 authority.

5 SECTION 10. TRANSFER TO APPROPRIATION CONTINGENCY  
6 FUND.--Notwithstanding any restriction on or use of money in  
7 the executive order fund of the homeland security and  
8 emergency management department, two million dollars  
9 (\$2,000,000) is transferred from that fund to the  
10 appropriation contingency fund of the general fund.

11 SECTION 11. TEMPORARY PROVISION--OUTSTANDING STATE  
12 HIGHWAY REVENUE BONDS.--

13 A. Nothing in this act shall be deemed to impair  
14 state highway revenue bonds previously issued by the state  
15 transportation commission and outstanding on the effective  
16 date of this act.

17 B. If required by the terms, covenants and  
18 provisions of state highway revenue bonds previously issued  
19 by the state transportation commission and outstanding on the  
20 effective date of this act, additional bonds issued by the  
21 state transportation commission or the New Mexico finance  
22 authority when directed by the state transportation  
23 commission pursuant to this act shall contain any required  
24 terms, covenants and provisions required to avoid impairment  
25 of the previously issued bonds.

1 SECTION 12. REPEAL.--Laws 2020, Chapter 64, Sections 1  
2 through 5 are repealed.

3 SECTION 13. EMERGENCY.--It is necessary for the public  
4 peace, health and safety that this act take effect  
5 immediately. \_\_\_\_\_

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