HIGHLIGHTS OF CAPITAL OUTLAY QUARTERLY UPDATE August 17, 2011

Quarterly Status of Outstanding Capital Funds

- \$436.5 million for 1,414 projects remain unexpended -- compared to \$766 million for 1,684 projects last reported in December 2010.
- \$329.5 million for 270 projects was expended or reverted since the last report.
- Of the outstanding balances -- \$36.9 million for 419 projects is expected to be expended or reverted by September 2011 GF (44 percent), STB (54 percent), and OSF (1 percent).
- 123 projects were reauthorized in 2011 -- 13 had zero balances and 110 were valid totaling \$37 million (32 statewide projects; 35 House and 43 Senate for local projects.)
- Three GOB issues totaling \$19.7 million approved in November 2010 were incorporated into the report; projects were certified and bonds sold April 19, 2011 (\$7.7 million for senior centers, \$7 million for libraries, and \$5 million for public schools.)
- Outstanding sources "by fund" include: GF (\$29.8 million), STB (\$284.3 million), GOB (\$112 million), and OSF (\$10.3 million).
- Differences between balances and expenditures reported by the state versus activity at the local level may occur if local entities and schools have not requested reimbursement.

Status of \$1 Million or Greater

- Of \$436.5 million outstanding, LFC staff tracks \$347.1 million for 190 projects--nearly 80 percent of all unexpended funds. Since the December report, \$122.4 million for 33 projects was expended or reverted. (Highlights of select projects listed within report).
- Updates for the \$1 million or greater reporting period were somewhat problematic due to staff turnover at the executive level. LFC staff will offer training to the agencies as needed for the next report.
- LFC staff exceeded the FY11 performance measure of 62% for tracking and keeping major projects on schedule -- projects kept on schedule reached 75%.

2011 Capital Outlay Status

• At the direction of the chair, staff collaborated with state agencies and federal counterparts to identify projects with potential loss of federal dollars.

- Of the five projects dependent on federal funds, only the Farmington Readiness Center for training of military police battalion would lose \$8.5 if state match of \$1.6 million is not secured by September 30, 2011.
- While other projects will not lose federal funds until 2012, several projects continue to be critical such as:
 - ✓ Human Services Department, Income Support Division system (ISDR2) system is at risk of catastrophic failure and could compromise the delivery of benefits totaling \$3.8 billion to 800,000 clients.
 - ✓ Alzheimer's and skilled nursing units at the Veteran's Home plan and design is complete and ready to start construction delay displaces patients.
 - ✓ New Mexico Environment Department Wastewater Construction Loan Fund state funds will generate immediate \$7.5 million in federal funds for "shovel-ready" projects.
 - ✓ Aamodt, Taos, and Navajo water rights settlement \$130.5 million state match needed by 2017 to match federal funds totaling over \$1 billion.

Potential Capital Bill for Special Session

- Projected severance tax bond capacity for FY12 is \$212.7 million (Attachment A).
- At the request of General Services Department, Property Control Division, LFC staff provided technical assistance and identified 20 of the 55 projects originally recommended in Senate Bill 218 as *high-priority and time-sensitive* projects totaling approximately \$70 million.
- Utilizing criteria identified in the sidebar on page 6, LFC staff based their analysis following several one-on-one meetings with PCD and the major departments under their jurisdiction, and assessed other needs for agencies not under the jurisdiction of PCD.
- Examples of the most "critical, shovel-ready" projects flagged for consideration by the executive listed on pages 6 and 7 within brief.

General Obligation Bond Capacity

- General obligation bond (GOB) capacity will be available in 2012 for capital outlay projects.
- Taxation and Revenue and Board of Finance economists and bond counsel expect to receive county tax data by the end of August and will determine capacity sometime in September 2011.
- Requests to date from higher education institutions and special schools (hearings held in Albuquerque, Espanola, Las Cruces, and Roswell) total over \$389 million.
- With permission from the chair, LFC staff will present New Mexico Library Association request for GOB capacity on behalf of public libraries, public school libraries, academic libraries, and tribal public libraries. (Attachment B and Handouts)

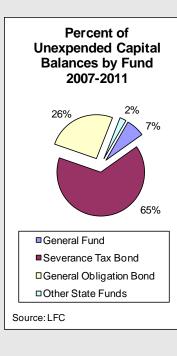
AGENCY: LFC Staff

DATE: August 17, 2011

PURPOSE OF HEARING: Capital Outlay Quarterly Report and Next Steps

PREPARED BY: Linda M. Kehoe, Principal Analyst; Sonya G. Snyder, Fiscal Analyst

EXPECTED OUTCOME: Informational



GOB Bond Issues Incorporated in Report:

- A) Senior citizen center infrastructure & equipment -\$7.7 million
- Academic, public school, public, and tribal libraries statewide - \$7 million
- C) Public school buses and security systems, prekindergarten classrooms, and instructional materials -\$5 million

LFC HEARING BRIEF

BACKGROUND INFORMATION

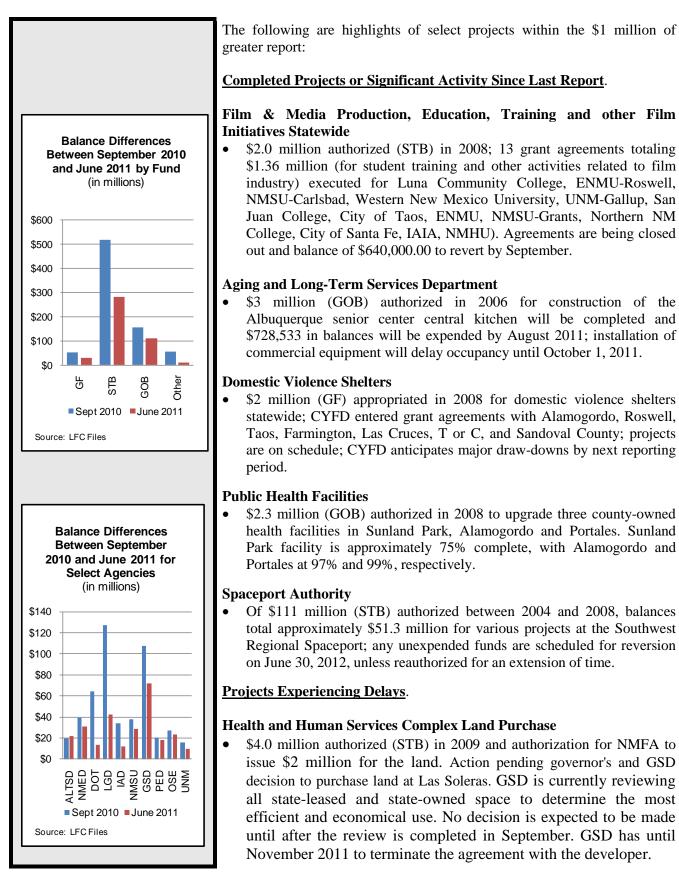
The Capital Outlay Quarterly Report provides the Legislative Finance Committee (LFC) and members of the Legislature with the current fiscal accountability for outstanding capital funding appropriated between 2008 and 2011. The data is derived from the Capital Projects Monitoring System (CPMS) operated and maintained by the Department of Finance and Administration. The report shows updated appropriations, expenditures, and balances as of June 15, 2011, for all active capital projects.

The brief addresses other issues such as the status of 2011 capital projects, including projects dependent on federal funds, general obligation bond preliminary requests, and other management issues.

<u>**Quarterly Report Results.</u>** Analysis of data from CPMS for outstanding capital funding authorized between 2008 and 2011 demonstrates the following:</u>

- Current outstanding balances total approximately \$436.5 million for 1,414 projects compared to \$766 million outstanding for 1,684 projects reported in December 2010.
- Of the outstanding \$436.5 million, approximately \$36.9 million for 419 projects is expected to be expended or reverted by September 2011; \$329.5 million for 270 projects was expended or reverted since the last report.
- In 2011, 123 projects were reauthorized. Of the 123 projects, 13 had zero balances. Of the valid 110 reauthorizations, approximately \$37 million will remain active; 32 projects were reauthorized for statewide projects; 35 projects were reauthorized by the House and 43 projects by the Senate for local projects.
- Three general obligation bond (GOB) issues totaling \$19.7 million approved in November 2010 were incorporated into the report; all projects were certified as ready to proceed and bonds were issued on April 19, 2011;
- Unexpended balances by fund include: general fund (\$29.8 million), severance tax bonds (\$284.3 million), general obligation bonds (\$112 million), and other state funds (\$10.3 million).
- Differences between the balances and expenditures reported by the state versus activity at the local level may occur if local entities and schools have not drawn down for reimbursement.
- Active projects "by sponsor" will be mailed immediately following the hearing.

Ratings and Criteria: Number Green Project on schedule: Number Project is progressing as planned according to budget and timeline. Number Project is progressing as planned according to budget and timeline. Number Project is not progressing as project projects not progressing on schedule, timelines are not being budgeted, no parchase(s) or draw- budgeted, no parchase(s) or draw- scuthorization is necessary to address language issues. Null Internet of the standard by the parchase budgeted or exercted. Percent type archase budgeted, no parchase(s) or draw- based on criteria described in sidebar. Percent is draw- acceuted funds. Percent is draw- budgeted, no parchase(s) or draw- based or reverted. Berind schedule or little v sold 143 No activity or bonds not sold 144 895.5 </th <th></th> <th colspan="8">2007-2011 Capital Outlay Funding ''Outstanding'' Projects Only (in millions)</th> <th></th>		2007-2011 Capital Outlay Funding ''Outstanding'' Projects Only (in millions)									
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 X Additional funds needed 7 Source: LFC LFC staff exceeded LFC's FY11 performance measure of 62% tracking and keeping major projects on schedule. The projects kept 	down(s) reported, language or anti- donation issues, scope of work has not been identified, no progress reported by entities overseeing the project, projects not ready for bond issuance, or a reauthorization is necessary to address language issues. LEGEND G Project complete.Image: Appropriation expended or project complete.G Project on schedule143 Behind schedule or little Y activityYActivity or bonds not sold5Total Active Projects190 Other report information:Appropriation expended or project complete20 Z0 X	 SELEC Da inf exp ba Of mi pe Sin exp LF bo rea Up pro exp for LF 	T PROJE ta for \$1 formation p penditures, sed on crite \$436.5 r llion for 1 rcent of all nce the las pended or p FC staff r ttleneck authorization odates for oblematic ecutive lev the next re	CTS milli provi milleria c nillic 90 g uney t rep rever nonit issue on in the for el. I eport	ion or gre ded by ag lestones, lescribed i on outstar orojects fu cont in Dec ted. tors yello s or to 2012. \$1 mil this repor LFC staff	eater encident and in sic nding undec unds cemb ow- o r lion ting will s FY	capital es. The determine lebar. g, LFC d for \$1 oper, \$122 and recommend or grupperiod offer transition offer transition	outl admi ine p staff l mil 2.4 n d-flag end eater due ining	ay report nistering progress f current lion or g nillion for gged pro potentia report to staff g to the ag	is derived from agencies provide by color ratings ly tracks \$347.1 greaternearly 80 r 33 projects was jects to resolve l reversion or were somewhat turnover at the gencies as needed sure of 62% for	



	Santa Teresa Port of Entry Phase 2
Projects Completed or	 \$1.5 million authorized (GF/STB) in 2009. The final environment study and approval was received by DOT in the last quarter. The land swap with Verde Santa Teresa, LLC is projected for the next quarter. They will request bids as soon as land transfer is complete.
Closing by 9/15/11 Luna Community College Education Building • \$2 million authorized (GOB) in 2006; completed in June 2011.	 Indian Water Rights Settlement-Navajo/Taos/Aamodt \$10.0 million authorized (STB) in 2007 and 2009. Bonds were sold in July 2011 and negotiations began with the Bureau of Reclamation on the Navajo cost share. For the next quarter, an executed agreement with the Bureau of Reclamation and the NMED and NMFA is anticipated.
 New Mexico Military Institute Pearson Hall Renovation \$5 million authorized (GOB) in 2008; completed in August 2011. 	 Tribal Infrastructure Project Fund \$5 million authorized (STB) in 2008. Approximately 10% of funds remain. The following projects were closed out and fully expended: Chichiltah, Crownpoint, Thoreau Chapter, and Ojo Encino. Still awaiting invoices from other Tribal entities. \$5 million authorized (STB) in 2009; Department of Indian Affairs
 Northern New Mexico College Solar Energy Research Park \$2.0 million authorized (STB) in 2008. Substantial completion projected by September 2011. 	 (DIA) awaiting final invoices from Tribal entities. \$5 million authorized (STB) in 2009. DIA awaiting invoices from Nambe Pueblo, Picuris Pueblo, Becenti Chapter, and Navajo Nation. Zuni Pueblo project is closed. \$2.5 million authorized in (STB) 2010; bonds have sold and projects have been reviewed and selected. Selections are expected to be announced at the next meeting scheduled for August 18, 2011.
 Economic Development Fund Hewlett Packard, Schott Solar, etc. (See lines 49 and 120 of \$1>Report) \$6 million authorized (STB) in 2010 completed February 2011. \$3.5 million authorized (GF) in 2008 completed June 2011. 	 Economic Development Department - Capital Fund \$4.5 million authorized (STB) in 2009. Grant Agreements with Santa Fe County Film Studios for \$2.5 million and CFV Solar Test Lab for \$51,000 - projects moving forward; administrative oversight reauthorized from Department of Finance and Administration to Economic Development Department in 2011 Session. Red Flag Projects "No Activity" Since Last Quarter.
City of Santa Fe Bikeways and Horse Trails • \$3.5 million authorized (STB) in 2006/2009 completed June 2011.	 Educational Retirement Board – Headquarters Phase I \$2.5 million authorized from ERB fund; ERB evaluating trade or renovation of existing building versus construction of a new building; milestones did not change between reporting periods.
 NMHU - Student Services Center \$4.5 million authorized (GOB) in 2006 completed June 2011. 	 Lake Roberts Dam & Spillway Renovation - Phase 3 \$4.2 million authorized (STB) in 2009. The alternative study is still at 95% complete. Additional data needed to complete and final determination is expected by September 2011.
	 Colonias Infrastructure Fund \$2 million authorized (STB) in 2010. Eleven projects awarded, but no reimbursements made during this quarter. Delays possibly due to Local Government Division staff turnover and reorganization.

	NEXT STEPS AND OTHER ISSUES					
	<u>2011 Capital Funding Status</u> . As reported by LFC staff in June 2011, the loss of the capital bill last legislative session affected projects intended to address public health and safety, projects in progress, preservation of state-owned property value, economic development, projects to replace antiquated systems, and projects with matching funds to maximize state dollars.					
 Delaying shovel-ready projects could become costly. Current market conditions and the competition for work have driven down labor costs and profit margins. Potential increase for construction materials difficult to predict. 	Status of Projects Dependent on Federal Funds. At the direction of the chair, staff collaborated with state agencies and federal counterparts to determine the potential loss of federal dollars if state match dollars were not authorized prior to the end of federal fiscal year on September 30, 2011. Executive and LFC staff concluded only one project— <i>Farmington Readiness Center for training of military police battalion</i> — would lose \$8.5 million in federal match dollars if state match totaling \$1.6 million is not secured by September 30, 2011. The total project cost is \$11.6 million (\$1.5 million state funds previously appropriated on hand).					
	As described within the brief, while the Human Services, Income Support Division, ISDR2 system will not lose federal funds; however, the system is at risk of catastrophic failure and could impact delivery of benefits totaling \$3.8 billion. The complexity involved in the development and implementation of the system is time-sensitive and requires immediate state match dollars\$13.6 million toward \$39 million required over a three-year period.					
	While the federal match required for other projects continues to be critical, it has been determined state funds for the following projects can wait until the 2012 Session:					
	 Alzheimer's and skilled nursing units at the Veteran's Home (\$6.5 million state match/\$15.6 million federal funds) New Mexico Environment Department Wastewater Construction Loan Fund Program (\$2 million state match will generate \$10 million federal funds) Aamodt, Taos, and Navajo water rights settlement (state required to accumulate \$130.5 million state match toward the federal match totaling over \$1 billion required by 2017) 					
	Potential "Abbreviated" Capital Bill. Recent accounts indicate the governor may place an "abbreviated" capital bill on the "Call" for the special session in September. At the request of the Property Control Division of the General Services Department, LFC staff is providing technical information relevant for a condensed capital bill. Projected severance tax bond capacity for FY12 is \$212.7 million. (Attachment A: Board of Finance and Legislative Finance Committee Projections for FY12 Severance Tax Bond Capacity)					

Funding Criteria for Critical Investments in State Assets

- Project in progress and will eliminate potential health and safety hazards and other liability issues for patients, clients, and the general public.
- State appropriation will maximize federal, local and enterprise revenue.
- Project provides direct services to patients, clients or the general public.
- Investment provides future operating cost savings with a reasonable expected rate of return.

LFC staff based their analysis following several one-on-one meetings with PCD and major departments under the jurisdiction of PCD. LFC staff also reviewed state agency needs not under the authority of PCD, such as: Department of Cultural Affairs, Expo New Mexico, Cumbres & Toltec Scenic Railroad, Supreme Court Building Commission, Office of the Secretary of State, and senior citizen centers.

Based on the criteria listed in the sidebar LFC staff identified at least 20 of the 55 projects originally recommended in Senate Bill 218 as *high-priority and time-sensitive* projects totaling approximately \$70 million—less than 30 percent of the \$238 million lost in the 2011 capital bill. Nearly 85 percent of the recommended funds (approximately \$59.3 million) represent "critical" needs within the state's largest departments such as the following:

To name a few major "shovel-ready" projects, the following were flagged for consideration by the executive:

• Corrections Department--\$16.2 million

To address critical conditions that could threaten the safe operation of the prison system, physical safety of staff, and to address code violations. Funds would complete HAVC systems at Southern and Central correctional facilities and continue with upgrades at Western correctional facility; funds will also address completion of renovation of kitchens at Southern and Central correctional facilities.

• Children, Youth & Family Department--\$2 million

To address security measures at juvenile correction facilities for safety of incarcerated youth, staff and the general public. The Youth Diagnostic & Development Center and John Paul Taylor Detention Center both recently experienced escapes and personnel attributed the problem to obsolete and substandard security cameras and equipment.

• Department of Health--\$12.5 million

To address critical infrastructure deficiencies and security upgrades at the NM Behavioral Health Institute to protect the health and safety of patients, staff and the public; completing construction of Meadows phase 2 (36-bed capacity) to replace living quarters for elderly currently living in substandard facilities; DOH currently operating nursing home in three buildings requiring more nursing, housekeeping, dietary, and maintenance staff ; completing now will be more efficient and cost-effective by allowing contractors already on site to continue second phase.

• General Services, Property Control Division--\$17 million

To complete major infrastructure and renovations of the Manuel Lujan building (\$10 million)--failure of the existing structure could interrupt revenue processing and threaten critical government

services. Funds will address demolition of unoccupied facilities causing safety hazards and eliminating the risk of mitigation. The funds will also give PCD the ability to address unforeseen emergency needs and to address other incomplete projects at stateowned buildings statewide. Human Services Department Integrated Service Delivery eligibility system (ISDR2)--\$13.6 million of \$28.8 million needed over 3-years Current system is 25 years old, is extremely difficult to configure, is cost prohibitive to operate, and is difficult to hire support staff for the aging system; maintenance and operating costs currently exceed \$6 million annually. > The system is at risk of catastrophic failure and could impact delivery of benefits totaling \$3.8 billion in 40 various categories to over 800,000 eligible clients and expose the state to legal and financial liability. ▶ Project cost is \$75 million; \$25.3 million currently available from state and federal dollars; interruption of funding for development of system could stall the process and necessitate restarting project from scratch and potentially lose or waste funds already expended. > System determines eligibility for: Medicaid programs, Temporary Assistance to Needy Families, New Mexico Works, Supplemental Nutrition Assistance Program, State Funded Cash Assistance, Low Income Home Energy Assistance Program, and Refugee Cash Assistance Program. > System does **not** have the capability to comply with Health Care Reform requirements and could impact the delivery of health care for over 600,000 recipients. Other funding recommendations not detailed within the brief would address replacement of state police vehicles, code violations at senior citizen centers, and enterprise agencies dependent on admission revenues previously listed. **GENERAL OBLIGATION BOND ISSUES** General Obligation Bond Capacity. General obligation bond (GOB) capacity will be available in 2012 for capital outlay projects. Taxation and Revenue and Board of Finance economists and bond counsel expect to receive county tax data by the end of August and will determine capacity sometime in September 2011. The specific amount of property taxes collected in a given year is attributable to a number of factors, including the amount of debt service required for existing general obligation bonds, the projected debt service required for the new bond issue, the latest assessed valuation of net taxable property, cash balances in bond debt service accounts, the date of issuance, and the actual interest rate obtained on the bond sale. Higher Education and Special School Preliminary Requests. The Higher Education Department conducted hearings in regional parts of the state over

two weeks. The hearings were held in Albuquerque, Espanola, Las Cruces,

Higher Education and Special School Prioritization Criteria

- Safety
- Space Utilization or Instructional and General (I&G)
- Square Footage per Full Time Enrollment
- Full Time Student Enrollment Trends
- Timeline for Project Completion
- Funding from Other Sources
- Green Assessment for Buildings
- Facility Condition Index (FCI)
- Programmatic Use of Building

and Roswell. All institutions, the three special schools (New Mexico Military Institute, New Mexico School for the Deaf, and New Mexico School for the Blind and Visually Impaired), and the Institute of American Indian Arts presented their requests.

The requests, three priorities for each four-year college and two priorities for all other institutions, total approximately \$389 million. The criteria listed in the sidebar developed in collaboration with HED, is proposed for developing funding requests for various infrastructure projects. The Department of Finance and Administration, HED, and LFC staff serve on a panel to review, listen and ask questions of each project requested by each institution. It is anticipated LFC staff will work closely with the two state agencies in developing preliminary recommendations to the committee and the executive to move forward for consideration by the full Legislature. Additional detail and information will be provided at the December hearing.

New Mexico Library System Requests to Date. New Mexico Library Association (NMLA) will request \$29.6 million from GOB capacity in 2012 on behalf of public libraries, public school libraries, academic libraries, and tribal public libraries. Established in 1923 with over 530 members, the association has worked to establish the state library, provide services to underserved areas through bookmobiles, supported communities wanting to establish libraries, promoted professional certification and literacy programs, and developing automated networks and internet services. The NMLA has been very effective in making sure all 2008 GOB funds have been allocated and fully expended. The 2010 GOB allocations were recently budgeted by the Higher Education Department and ready for expenditure.

The requested funds would be divided as follows: \$10,360.0 for more than 800 public and charter schools libraries; \$8,880.0 for 27 academic institutions; \$7,400.0 for 75 public libraries; and \$1,480.0 for eight (8) tribal public libraries. (Attachment B: GOB Allocation History and 2012 Library System Requests by Category)

Public libraries, public school libraries, and tribal libraries propose to continue making allocations with requested 2012 GOB funds based on population and full-time-equivalent student enrollment. However, New Mexico colleges and universities may be working on a cooperative effort to utilize their funds toward electronic resources (academic journals, electronic reference books, electronic books, educational films, etc.) to provide resources to students regardless of institution or course, particularly in rural areas. The proposed plan may be able to provide more purchasing power and outreach. While the proposal may be innovative, academic libraries should be cautious with their approach to a project that could require "recurring" funds in the future.

LMK:SGS:amm

FY12 Severance Tax Bond Capacity						
Consensus Estimate	FY11	FY12	FY13			
Senior Long-Term Issuance	\$0.0	\$192.0	\$192.0			
Senior Sponge Issuance	\$27.3	\$73.8	\$91.7			
Senior STB Capacity	\$27.3	\$265.8	\$283.7			
Authorized Unissued	(\$0.8)	\$0.0	\$0.0			
Water Project Fund	(\$26.5)	(\$26.6)	(\$28.4)			
Tribal Infrastructure Fund	s . S yest ((\$13.3)	(\$14.2)			
Colonias Infrastructure Project Fund	- 9 . I	(\$13.3)	(\$14.2)			
Net Senior STB Capacity	\$0.0	\$212.7	\$227.0			
Supplemental Long-Term Issuance	\$0.0	\$0.0	\$0.0			
Supplemental Sponge Issuance	\$206.1	\$147.9	\$173.7			
Supplemental STB Capacity	\$206.1	\$147.9	\$173.7			
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Total STB Capacity	\$206.1	\$360.5	\$400.6			

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HISTORY OF NM GO BOND FUNDING FOR LIBRARIES

		Approved by Legislature (Million)	Academic Portion (Million)	Academic Portion %		Prepared by Joe Sabatini from a chart created by Ruben Aragor					
Year	GO Bond				Public Portion (Million)	Public Portion %	School Portion (Million)	School Portion%	Tribal Portion (Million)	Tribal Portion%	
1972		\$10,000,000	\$10,000,000	100%							
1988		\$1,500,000			\$1,500,000	100%					
1994	В	\$8,000,000	\$3,000,000	38%	\$2,500,000	31%	\$2,500,000	31%			
2002	D	\$16,000,000	\$4,900,000		\$7,700,000	48%	\$3,400,000	21%			
2004	Ċ	\$16,200,000	\$3,890,000	24%	\$5,830,000	36%	\$6,160,000	38%			
2006	Ċ	\$9,000,000	\$3,000,000		\$3,000,000	33%	\$3,000,000	33%			
2008	B	\$11,000,000	\$3,000,000		\$3,000,000	27%	\$3,000,000	27%	\$2,000,000.00	18%	
2010	B	\$7,000,000	\$2,000,000		\$2,000,000	29%	\$2,000,000	29%	\$1,000,000.00	14%	
Totals		\$78,700,000	\$29,790,000	38%	\$25,530,000	32%	\$20,060,000	25%	\$3,000,000.00	4%	
Amount	Requested	by the New Mexic	o Library Associati	on							
2012		\$29,600,000	\$8,880,000	30%	\$8,880,000	30%	\$10,360,000	35%	\$1,480,000.00	5%	
									If total amount is reduced,		
									the tribal portion should		
									remain at \$1,480,00	0	