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SENATE BILL 295

50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012

INTRODUCED BY

John Arthur Smith

AN ACT

RELATING TO PUBLIC EXPENDITURES; REDUCING THE AUTHORIZATION FOR STATE TRANSPORTATION PROJECT BONDS; LIMITING THE ISSUANCE OF FUTURE BONDS; EXCLUDING PORTIONS OF CERTAIN TRANSPORTATION PROJECTS FROM THE AUTHORIZATION TO USE THE NET PROCEEDS OF STATE TRANSPORTATION PROJECT BONDS; DECLARING AN EMERGENCY.

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

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

"67-3-59.4. STATE TRANSPORTATION PROJECT BONDS-- AUTHORIZATION AND APPROPRIATION--PRIORITIES--CRITERIA-- REPORTS.--

A. Subject to the limitation of Subsection F of this section, it is the intent of the legislature to authorize the New Mexico finance authority to issue state transportation

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1 bonds for projects specified in Laws 2003 (1st S.S.), Chapter
2 3, Sections 27 and 28 [~~of this 2003 act~~] in the total aggregate
3 principal amount of [~~one billion five hundred eighty-five~~
4 ~~million dollars (\$1,585,000,000)] one billion three hundred
5 fifty million four hundred thousand dollars (\$1,350,400,000) in
6 annual increments of no more than three hundred fifty million
7 dollars (\$350,000,000) beginning with the appropriation for
8 2003 provided for in Subsection B of this section.~~

9 B. After [~~the effective date of this act~~] February
10 3, 2004, the state [~~transportation~~] transportation commission
11 may authorize the New Mexico finance authority to issue and
12 sell state transportation bonds. The proceeds of the bonds are
13 appropriated to the department of transportation for projects
14 listed in Laws 2003 (1st S.S.), Chapter 3, Sections 27 and 28
15 [~~of this 2003 act~~].

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

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

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

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- 1 (b) the ranking of the pavement and
2 substructure conditions;
- 3 (c) an assessment of economic
4 development impacts; and
- 5 (d) other information deemed significant
6 by the department;
- 7 (2) the expected life of the proposed
8 improvement;
- 9 (3) sufficiency of revenue to pay the
10 principal and interest of all outstanding and proposed bonds
11 based on a five- and twenty-year financial forecast for the
12 state road fund and the effect of the bond program on the
13 department's construction and maintenance program;
- 14 (4) status report of ongoing major
15 construction;
- 16 (5) the relationship between the requested
17 projects and the statewide transportation improvement program;
18 and
- 19 (6) any other information requested by the
20 legislature or the executive.

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

24 E. The department of transportation shall adopt and
25 enforce rules with the goal that no less than seventy percent

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1 of the work force of an exclusively state-funded project
2 authorized in Laws 2003 (1st S.S.), Chapter 3, Sections 27 and
3 28 [~~of this 2003 act~~] shall be residents of New Mexico.

4 F. Except for bonds necessary to make payments on
5 existing debt obligations, after the effective date of this
6 2012 act, no additional bonds shall be issued pursuant to this
7 section and Section 67-3-59.3 NMSA 1978."

8 SECTION 2. Laws 2003 (1st S.S.), Chapter 3, Section 27 is
9 amended to read:

10 "Section 27. AUTHORIZED TRANSPORTATION PROJECTS.--

11 A. The department of transportation may use the net
12 proceeds of state transportation project bonds issued by the
13 New Mexico finance authority pursuant to Section 67-3-59.3 NMSA
14 1978 and Section [~~26 of this 2003 act~~] 67-3-59.4 NMSA 1978 for
15 the following transportation projects:

16 (1) for the reconstruction of the interchange
17 at the intersection of Coors boulevard and interstate 40 in
18 Albuquerque for which the department of transportation may use
19 a design and build delivery system, notwithstanding the
20 provisions of Subsection A of Section 13-1-119.1 NMSA 1978;

21 (2) for the reconstruction and improvement of
22 the interstate 25 corridor from Belen to Santa Fe to
23 accommodate public transportation elements including commuter
24 rail;

25 (3) for the reconstruction and improvement of

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1 United States highway 54 from Tularosa to Santa Rosa, but
2 excluding the following portions as identified by description
3 and department of transportation GRIP control number:

4 (a) milepost 119 to milepost 130, GRIP
5 control number G3a22;

6 (b) milepost 130 to milepost 146, GRIP
7 control number G3a32; and

8 (c) milepost 146 to milepost 163, GRIP
9 control number G3a42;

10 (4) for the reconstruction and improvement of
11 United States highway 64/87 from Raton to Clayton;

12 (5) for the reconstruction and improvement of
13 United States highway 491 from Tohatchi to Shiprock, but
14 excluding the following portions as identified by description
15 and department of transportation GRIP control number:

16 (a) new bridge construction, GRIP
17 control number G5a56;

18 (b) milepost 20 to milepost 31, GRIP
19 control number G5b16;

20 (c) milepost 31 to milepost 37, GRIP
21 control number G5b26; and

22 (d) milepost 37 to milepost 45, GRIP
23 control number G5b36;

24 (6) for the reconstruction and improvement of
25 United States highway 491 from Shiprock to the Colorado state

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1 line, but excluding the portion from milepost 94.2 to milepost
2 107/bridge rehabilitation identified by department of
3 transportation GRIP control number G6005;

4 (7) for the reconstruction and improvement of
5 United States highway 62/180 from the Texas state line to
6 Carlsbad;

7 (8) for the reconstruction and improvement of
8 various sections of interstate 40 from Newkirk to Tucumcari;

9 (9) for the reconstruction and improvement of
10 various sections of interstate 40 between Gallup and the
11 Arizona state line;

12 (10) for the reconstruction and improvement of
13 various sections of interstate 40 between Thoreau and Grants;

14 (11) for the reconstruction and improvement of
15 interstate 40 in Albuquerque from Carlisle boulevard to Juan
16 Tabo boulevard;

17 (12) for the reconstruction and improvement of
18 interstate 40 east of Albuquerque from Carnuel to Sedillo;

19 (13) for the reconstruction and improvement of
20 interstate 40 in Albuquerque from Central avenue to Coors
21 boulevard;

22 (14) for the reconstruction and improvement of
23 interstate 40 at various locations from the Pueblo of Laguna to
24 Mesita;

25 (15) for the reconstruction and improvement of

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1 interstate 40 from Canoncito to Rio Puerco;

2 (16) for the reconstruction and improvement of
3 interstate 40 in Moriarty from the west interchange to the east
4 interchange;

5 (17) for the reconstruction and improvement of
6 interstate 10 from Lordsburg to the junction of state highway
7 146;

8 (18) for the reconstruction and improvement to
9 accommodate public transportation elements of interstate 10
10 from the Texas state line to Las Cruces, but excluding the Vado
11 and Mesquite interchange, milepost 143.844 to milepost 150.5,
12 identified by department of transportation GRIP control number
13 G18a4;

14 (19) for the reconstruction and improvement of
15 United States highway 84/285 from Pojoaque to Espanola;

16 (20) for the reconstruction and improvement of
17 state highway 45 in Albuquerque from the junction above
18 interstate 25 north to Central avenue, but excluding the
19 following portions as identified by description and department
20 of transportation GRIP control number:

21 (a) milepost 3 to milepost 8, GRIP
22 control number G2023; and

23 (b) milepost 8 to milepost 13, GRIP
24 control number G2033;

25 (21) for the reconstruction and improvement of
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1 state highway 128 from state highway 31 to the Texas state
2 line;

3 (22) for the reconstruction and improvement of
4 state highway 11 from Columbus to Deming;

5 (23) for the reconstruction and improvement of
6 United States highway 60 from Abo to Willard;

7 (24) for the reconstruction and improvement of
8 United States highway 56 from Springer east to Abbott, but
9 excluding the portion from milepost 0 to milepost 5 identified
10 by department of transportation GRIP control number G2414;

11 (25) for the reconstruction and improvement of
12 United States highway 380 west of Tatum east to the Texas state
13 line;

14 (26) for the reconstruction and improvement of
15 various sections of United States highway 380 from Capitan to
16 Hondo, but excluding the portion from milepost 85 to milepost
17 92 identified by department of transportation GRIP control
18 number G2612;

19 (27) for the reconstruction and improvement of
20 various sections of United States highway 64 from the San
21 Juan-Rio Arriba county line to the junction of United States
22 highway 84, but excluding the following portions as identified
23 by description and department of transportation GRIP control
24 number:

25 (a) milepost 87 to milepost 107, GRIP

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1 control number G2715;

2 (b) milepost 114.7 to milepost 120, GRIP
3 control number G2725; and

4 (c) milepost 120 to milepost 135.5, GRIP
5 control number G2755;

6 (28) for the reconstruction and improvement of
7 state highway 8 from Eunice to United States highway 62, but
8 excluding the portion identified by department of
9 transportation GRIP control number G2802;

10 (29) for the reconstruction and improvement of
11 United States highway 285 from Encino to Clines Corners;

12 (30) for the reconstruction and improvement of
13 various sections of United States highway 84 from interstate 25
14 south to Dilia;

15 (31) for the reconstruction and improvement of
16 various sections of state highway 26 between Deming and Hatch;

17 (32) for the reconstruction and improvement of
18 state highway 83 from Lovington to the junction of state
19 highway 132;

20 (33) for the reconstruction and improvement of
21 state highway 209 from NM 268 to Grady;

22 (34) for the reconstruction and improvement of
23 United States highway 84 from Fort Sumner to Santa Rosa;

24 (35) for the reconstruction and improvement of
25 various sections of United States highway 62/180 from the Texas

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1 state line to the Lea-Eddy county line;

2 (36) for the reconstruction and improvement of
3 United States highway 285 from Clines Corners to Lamy;

4 (37) for the reconstruction and improvement of
5 United States highway 180 from Deming to Bayard, but excluding
6 the following portions as identified by description and
7 department of transportation GRIP control number:

8 (a) milepost 122 to milepost 142.6, GRIP
9 control number G3711; and

10 (b) milepost 142.6 to milepost 160, GRIP
11 control number G3721; and

12 (38) for improvements to the physical
13 facilities of the department of transportation.

14 B. The New Mexico finance authority may issue and
15 sell state transportation project bonds for the state
16 transportation projects authorized in this section when
17 directed by the state transportation commission and when the
18 commission certifies a need for issuance of the bonds for the
19 projects.

20 C. Any unexpended or unencumbered balance after the
21 completion of the projects authorized in this section shall
22 revert to the state road fund.

23 D. For purposes of this section, "construction",
24 "reconstruction", "rehabilitation" and "improvement" include
25 planning, designing, engineering, constructing and acquiring

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1 rights of way."

2 SECTION 3. EMERGENCY.--It is necessary for the public
3 peace, health and safety that this act take effect immediately.

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