

1 SENATE BILL 507

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

3 INTRODUCED BY

4 Pete Campos

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10 AN ACT

11 RELATING TO PUBLIC MONEY; INCREASING FISCAL AND PROGRAMMATIC
12 SCRUTINY OF CAPITAL OUTLAY EXPENDITURES; REQUIRING
13 COMPREHENSIVE FIVE-YEAR PLANS; CREATING THE CAPITAL OUTLAY
14 PLANNING AND MONITORING DIVISION IN THE DEPARTMENT OF FINANCE
15 AND ADMINISTRATION; CREATING A JOINT PERMANENT LEGISLATIVE
16 CAPITAL OUTLAY REVIEW COMMITTEE; PROVIDING POWERS AND DUTIES;
17 CREATING A FUND; MAKING TRANSFERS; MAKING AN APPROPRIATION.

18
19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

20 SECTION 1. [NEW MATERIAL] CAPITAL OUTLAY REVIEW COMMITTEE
21 CREATED--MEMBERSHIP--APPOINTMENT--VACANCIES.--

22 A. The "capital outlay review committee" is created
23 as a permanent joint interim legislative committee. The
24 committee shall be composed of seven members from the house of
25 representatives and seven members from the senate appointed by

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1 the New Mexico legislative council. The council shall draw
2 members from the legislative finance committee, and,
3 notwithstanding the provisions of Subsection D of Section 2-3-3
4 NMSA 1978, the committee may include members of the New Mexico
5 legislative council. The members of the capital outlay review
6 committee shall be appointed from each house so as to give the
7 two political parties having the most members in each house the
8 same total proportionate representation on the committee as
9 prevails in that house; provided that in the computation, major
10 fractions shall be counted as whole numbers, and in no event
11 shall either of the two major parties have less than one member
12 from each house. The members shall serve for terms of two
13 years or less expiring on the first day of the regular session
14 held in odd-numbered years. A member may be removed from the
15 committee by the New Mexico legislative council for
16 nonattendance according to New Mexico legislative council
17 policy.

18 B. No action shall be taken by the committee if a
19 majority of the total membership from either house on the
20 council rejects such action.

21 C. The chairship of the committee shall rotate
22 between the house and the senate, and for the fifty-first
23 legislature, the chairperson shall be a senate member and the
24 vice chairperson shall be a house member.

25 SECTION 2. [NEW MATERIAL] SUBCOMMITTEES.--Subcommittees

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1 may be created only by majority vote of all members appointed
2 to the capital outlay review committee. A subcommittee shall
3 be composed of at least one member from the house of
4 representatives and one member from the senate, and at least
5 one member of the minority party shall be a member of the
6 subcommittee. All meetings and expenditures of a subcommittee
7 shall be approved by the full committee in advance of the
8 meeting or expenditure, and the approval shall be shown in the
9 minutes of the committee.

10 SECTION 3. [NEW MATERIAL] CAPITAL OUTLAY REVIEW COMMITTEE
11 DUTIES.--

12 A. The capital outlay review committee shall:

13 (1) oversee functions and processes of the
14 capital outlay planning and monitoring division of the
15 department of finance and administration and the several state
16 agencies that propose or review capital project requests
17 pursuant to the Capital Outlay Planning and Monitoring Act;

18 (2) adopt standards and guidelines for
19 evaluating requests for capital project funding, including
20 consideration of how singular projects fit in with the state
21 capital improvements plan and how they maximize federal, state
22 and local revenue sources;

23 (3) adopt a standard capital project request
24 form that includes the information required by staff and the
25 committee to evaluate requests;

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1 (4) prioritize capital project requests
2 received from the capital outlay planning and monitoring
3 division and from legislators based on the standards and
4 guidelines and make recommendations to the legislature for
5 funding the prioritized projects;

6 (5) require periodic reports from state
7 agencies, institutions, instrumentalities and local governments
8 that receive funding for state and local capital projects to
9 ensure that:

10 (a) funded capital projects are
11 implemented in a cost-effective manner and consistent with the
12 purpose of the appropriation;

13 (b) funded capital projects are
14 proceeding in a timely manner; and

15 (c) money is reverted to the funding
16 source of the capital project in a timely manner;

17 (6) conduct ongoing reviews of state and local
18 infrastructure capital improvements plans and report to the
19 legislature;

20 (7) directly or through its staff participate
21 in hearings held by the capital outlay planning and monitoring
22 division and other hearings held by state agencies responsible
23 for reviewing capital project proposals and planning; and

24 (8) perform such other duties as it deems
25 necessary or that are assigned to it by the New Mexico

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1 legislative council.

2 B. Unless otherwise provided by law, the following
3 proposed capital projects are exempt from committee review,
4 though not from consideration of the projects in relation to
5 the state capital improvements plan:

6 (1) capital projects funded pursuant to the
7 Public School Capital Outlay Act;

8 (2) department of transportation road projects
9 funded in whole or in part by federal highway funding; and

10 (3) capital projects that will be funded by
11 loans or grants from the New Mexico finance authority and not
12 from the general fund.

13 SECTION 4. [NEW MATERIAL] STAFF.--

14 A. The staff for the capital outlay review
15 committee shall be provided by the legislative council service
16 and the legislative finance committee.

17 B. The legislative council service and the
18 legislative finance committee may, subject to legislative
19 appropriation:

20 (1) appoint and employ such professional,
21 technical and clerical assistance as they and the committee
22 deem necessary to carry out the duties of the committee; and

23 (2) enter into contracts for professional,
24 technical or clerical assistance as necessary.

25 SECTION 5. [NEW MATERIAL] INTERAGENCY COOPERATION.--

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1 A. Each agency, institution and instrumentality of
2 the state and local governments shall, upon request, assist the
3 capital outlay review committee in carrying out its duties.

4 B. The agencies that fund exempt capital projects
5 or that approve capital project funding that has not been
6 evaluated by the committee, including community development
7 projects, public school facilities authority projects,
8 transportation projects and loan or grant fund projects, shall
9 provide timely reports to the committee that describe those
10 projects and provide funding amounts and other information
11 requested by the committee to ensure interagency coordination
12 in the evaluation, funding and monitoring of capital projects.

13 **SECTION 6. [NEW MATERIAL] AUDITS.**--The committee may
14 request the legislative finance committee, the state auditor or
15 the capital outlay planning and monitoring division of the
16 department of finance and administration to conduct financial,
17 compliance or performance audits on any capital project.

18 **SECTION 7. [NEW MATERIAL] SHORT TITLE--CAPITAL OUTLAY**
19 **PLANNING AND MONITORING ACT.**--Sections 7 through 14 of this act
20 may be cited as the "Capital Outlay Planning and Monitoring
21 Act".

22 **SECTION 8. [NEW MATERIAL] DEFINITIONS.**--As used in the
23 Capital Outlay Planning and Monitoring Act:

24 A. "capital project" means the acquisition, repair,
25 alteration, demolition, renovation, construction or

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1 reconstruction of a public building or other public works owned
2 by the state or a political subdivision, including planning and
3 design and professional engineering, surveying, architectural
4 and landscape architectural services directly related to the
5 capital project; purchase of land for a public building or
6 other public works; site improvements to public property;
7 purchase and installation of equipment of a long-term nature
8 for a public building or other public works; purchase of
9 furniture as part of a renovation or construction of a public
10 building; purchase of motor vehicles or heavy equipment with a
11 life expectancy of five years or more; and hardware and
12 software for voice, radio, video and data communications; and

13 B. "division" means the capital outlay planning and
14 monitoring division of the department of finance and
15 administration.

16 SECTION 9. [NEW MATERIAL] DIVISION CREATED--POWERS AND
17 DUTIES.--

18 A. The "capital outlay planning and monitoring
19 division" is created in the department of finance and
20 administration. The division shall:

21 (1) direct capital project planning for the
22 executive branch, for state institutions and for local
23 governments that seek state funding for capital projects,
24 either directly or through coordination with other responsible
25 state and local agencies;

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1 (2) coordinate with the New Mexico finance
2 authority, the New Mexico mortgage finance authority and
3 federal agencies that provide capital project funding for local
4 governments, other eligible entities and rural areas;

5 (3) work with state agencies, state
6 institutions, local governments and the legislature to develop
7 priorities to be funded through the legislature's capital
8 outlay process;

9 (4) make recommendations to the governor on
10 capital projects to be proposed for funding by the legislature;

11 (5) oversee, either directly or through other
12 responsible state agencies, all state-funded capital projects
13 to ensure timely execution of approved capital projects, proper
14 expenditures of state funding and timely reversion of
15 unexpended balances;

16 (6) develop procedures to ensure current and
17 complete accounting and reporting on capital projects;

18 (7) maintain a central database on capital
19 projects that includes the up-to-date fiscal and programmatic
20 status of each capital project;

21 (8) identify stagnant capital projects that
22 should be deauthorized or capital projects that have been
23 completed and fund balances that should be reverted;

24 (9) provide training and assistance to state
25 agencies and political subdivisions on planning, budgeting and

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1 administration of capital projects, including proper accounting
2 and monitoring and completion of capital projects within
3 statutory deadlines and the reversion of unexpended funds as
4 required by law; and

5 (10) work with the board of finance division
6 of the department of finance and administration to ensure that
7 capital projects authorized by the legislature are properly
8 certified for the issuance of bonds and to ensure that capital
9 projects proceed in a timely manner and meet federal and state
10 requirements.

11 B. The division may conduct financial, compliance
12 and performance audits on capital projects on its own or in
13 conjunction with the state auditor or legislative committees.

14 C. All state agencies, institutions and
15 instrumentalities shall assist the division as required for the
16 division to carry out its duties.

17 SECTION 10. [NEW MATERIAL] PLANNING COMMITTEE.--

18 A. The "executive capital planning committee" is
19 created as an interagency and intergovernmental planning and
20 coordination committee to assist the division in carrying out
21 its duties. The committee shall include employees of the
22 following agencies or other entities who have direct
23 responsibility for planning or overseeing capital projects for
24 their agencies or entities:

25 (1) the property control division of the

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1 general services department;

2 (2) the capitol buildings planning commission;

3 (3) the cultural affairs department;

4 (4) the local government division of the
5 department of finance and administration;

6 (5) the department of environment;

7 (6) the aging and long-term services
8 department;

9 (7) the higher education department;

10 (8) the New Mexico finance authority; and

11 (9) the councils of governments.

12 B. The division shall invite representatives of
13 federal agencies that provide loans and grants to New Mexico
14 communities for infrastructure and other capital projects to
15 participate in meetings of the committee and may invite other
16 participants as it deems necessary.

17 C. The division shall not pay per diem and mileage
18 or any other compensation, perquisite or allowance to members
19 of the committee for service in the committee.

20 D. The committee shall assist the division in
21 capital planning and the development of the state capital
22 improvements plan.

23 SECTION 11. [NEW MATERIAL] STATE CAPITAL IMPROVEMENTS
24 PLAN.--

25 A. The division, the property control division of
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1 the general services department and the local government
2 division of the department of finance and administration shall,
3 with the assistance of the executive capital planning
4 committee, prepare and annually update a five-year "state
5 capital improvements plan" that details the major capital
6 projects recommended to be undertaken by the state or to be
7 undertaken with state aid or under state regulation. The plan
8 shall:

9 (1) include an economic forecast and a
10 discussion of economic activities that bear on the need for
11 state or local infrastructure and how completed capital
12 projects have changed the prior-year plan;

13 (2) include a description of outstanding
14 capital projects being funded with state money, their estimated
15 completion date, their initial cost, their estimated completion
16 cost and their estimated operational costs for the first five
17 years;

18 (3) classify capital projects with respect to
19 urgency and need for realization;

20 (4) recommend a time sequence for construction
21 or purchase of specific capital projects;

22 (5) contain an estimated cost of each capital
23 project, as well as the probable operating and maintenance
24 costs of each project;

25 (6) identify any revenue that will be

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1 generated by a capital project;

2 (7) identify existing or additional sources of
3 funds needed for construction and operation of each capital
4 project;

5 (8) identify the governmental owner of every
6 capital project; and

7 (9) provide other information for any capital
8 project or for the state capital improvements plan as
9 determined by the division.

10 B. All capital project recommendations of the
11 executive shall be based on the state capital improvements
12 plan.

13 C. A state agency, local government or other
14 potential recipient of state capital outlay funds is not
15 eligible for a capital project if it is not current on its
16 annual audit or has a plan approved by the state auditor for
17 completion of its audit.

18 SECTION 12. [NEW MATERIAL] CAPITAL PROJECT REQUESTS--
19 GUIDELINES--INFRASTRUCTURE CAPITAL IMPROVEMENTS PLANS--
20 SUBMISSION TO DIVISION.--

21 A. By January 15 of each year, the division shall
22 publish capital project guidelines to be followed by all state
23 agencies and local governments that plan to seek partial or
24 full funding for any capital project in the next year's
25 legislative session.

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1 B. The guidelines shall include provisions to guide
2 state agencies that review capital project requests or
3 infrastructure capital improvements plans from state agencies
4 or local governments. The state capital improvements plan and
5 each local government's infrastructure capital improvements
6 plan shall be updated each year.

7 C. The review guidelines shall include:

8 (1) requirements for local government
9 infrastructure capital improvements plans to be submitted to
10 appropriate state agencies;

11 (2) requirements for analyzing immediate and
12 future needs of the state, regions of the state and localities;
13 and

14 (3) requirements for analyzing requests in
15 light of:

16 (a) critical needs of the state,
17 including local governments;

18 (b) the necessity of the capital project
19 to meet a critical need;

20 (c) the necessity of the capital project
21 to address a health and safety concern;

22 (d) the ability of the local government
23 to provide at least matching funds so that the state is not the
24 sole funding source for a local capital project;

25 (e) the availability of other sources

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1 for the capital project;

2 (f) the capital project's priority on
3 either the state capital improvements plan or a local
4 government infrastructure capital improvements plan;

5 (g) the ability to phase the capital
6 project, if necessary, and the availability of funding to
7 complete at least one full, workable capital project phase;

8 (h) the ability of the ultimate
9 governmental recipient to provide necessary and adequate staff
10 and funding for operations and maintenance for the capital
11 project;

12 (i) the expected useful life of the
13 capital project;

14 (j) the available alternatives to the
15 capital project as requested;

16 (k) consideration of whether a
17 renovation project will forestall substantial capital outlay
18 costs in the short and long terms;

19 (l) the most appropriate funding sources
20 for types of capital projects; and

21 (m) other considerations determined by
22 the division, after consultation with the executive capital
23 planning committee and the legislative capital outlay review
24 committee.

25 D. By May 1 of each year, all infrastructure

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1 capital improvements plans are due to state agencies, as
2 follows:

3 (1) local government plans that are not
4 otherwise submitted to another state agency are due to the
5 local government division of the department of finance and
6 administration;

7 (2) water and wastewater plans that are
8 developed by special districts or the water trust board or that
9 are separate from a municipal or county infrastructure capital
10 improvements plan are due to the department of environment;

11 (3) regional plans that involve more than one
12 local government are due to the local government division;

13 (4) area agency on aging or local aging
14 program plans are due to the aging and long-term services
15 department;

16 (5) public post-secondary educational
17 institution plans are due to the higher education department;

18 (6) state museums and state monuments plans
19 are due to the cultural affairs department;

20 (7) state agency plans for state agencies
21 under the jurisdiction of the property control division of the
22 general services department are due to the property control
23 division;

24 (8) state and local government plans that are
25 part of master plans approved by the capitol buildings planning

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1 commission are due to the capitol buildings planning
2 commission; and

3 (9) New Mexico state fair, state parks
4 division of the energy, minerals and natural resources
5 department, state armory board, tribal infrastructure board,
6 colonias infrastructure board, water trust board, New Mexico
7 school for the deaf, New Mexico school for the blind and
8 visually impaired, New Mexico military institute, judicial and
9 any other capital improvement plans or capital project requests
10 that are not specifically assigned to another state agency are
11 due to the division.

12 E. All state agencies that are responsible for
13 reviewing capital project requests shall submit their
14 recommendations to the division by August 1 of each year. For
15 local government projects, the recommendations shall include
16 comprehensive analysis of the local government's capacity and
17 effort to fund the requested capital project and its ability to
18 operate the capital project, if applicable.

19 F. The division shall review the recommendations
20 and hold hearings on the recommendations by September 15 of
21 each year. The division shall report its findings to the
22 governor and the capital outlay review committee by October 1
23 of each year. The division's report to the capital outlay
24 review committee shall include proposed changes to the state
25 capital improvements plan and a listing of all capital project

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1 requests received, findings of each reviewing agency and
2 findings of the division.

3 G. The division shall publish the annual state
4 capital improvements plan, an abstract of which shall be
5 included in the executive budget recommendations for the
6 following fiscal year.

7 SECTION 13. [NEW MATERIAL] REPORTS.--Every state agency
8 responsible for capital projects shall file electronic monthly
9 status reports with the division and the capital outlay review
10 committee on appropriations and expenditures.

11 SECTION 14. [NEW MATERIAL] CAPITAL PROJECT ADMINISTRATION
12 FUND--CREATED--AUDITS--FEES.--

13 A. The "capital project administration fund" is
14 created as a nonreverting fund in the state treasury. The fund
15 consists of appropriations, transfers of the administrative fee
16 provided in Subsection D of this section and any other money
17 credited to the fund.

18 B. The legislature shall appropriate money in the
19 fund to the division to carry out its duties pursuant to the
20 Capital Outlay Planning and Monitoring Act.

21 C. In addition to funding the division, the
22 legislature shall appropriate money in the fund to the state
23 auditor's office and the legislative finance committee to
24 conduct audits using agreed-upon procedures of any capital
25 project to ensure compliance with federal laws, internal

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1 revenue service rules pertaining to the issuance and use of
2 tax-exempt bonds, other pertinent federal regulations, state
3 laws and any pertinent rule adopted by the state treasurer,
4 board of finance division of the department of finance and
5 administration, state auditor or other state agency. The
6 division shall assist in the identification of capital projects
7 to be audited.

8 D. An administrative fee of no more than four and
9 one-half percent of the total of each year's capital projects
10 appropriations and bond authorizations, including general
11 obligation bond authorizations, realized by a proportionate
12 reduction of each appropriation or bond authorization, shall be
13 set aside to fund capital project audits.

14 SECTION 15. Section 6-21-31 NMSA 1978 (being Laws 1992,
15 Chapter 61, Section 31) is amended to read:

16 "6-21-31. POWERS AND DUTIES.--The New Mexico finance
17 authority oversight committee shall:

18 A. monitor and oversee the operation of the New
19 Mexico finance authority;

20 B. meet on a regular basis to receive and review
21 reports from the authority on implementation of the provisions
22 of the New Mexico Finance Authority Act and to review and
23 approve [~~regulations~~] rules proposed for adoption pursuant to
24 that act;

25 C. monitor and provide assistance and advice on the

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1 public project financing program of the New Mexico finance
2 authority;

3 ~~[D. oversee and monitor state and local government~~
4 ~~capital planning and financing and take testimony from state~~
5 ~~and local officials on state and local capital needs;~~

6 ~~E. provide advice and assistance to the New Mexico~~
7 ~~finance authority and cooperate with the executive branch of~~
8 ~~state government and local governments on planning, setting~~
9 ~~priorities for and financing of state and local capital~~
10 ~~projects;~~

11 ~~F.]~~ D. undertake an ongoing examination of the
12 statutes, constitutional provisions, ~~[regulations]~~ rules and
13 court decisions governing state and local government capital
14 financing in New Mexico; and

15 ~~[G.]~~ E. report its findings and recommendations,
16 including recommended legislation or necessary changes, to the
17 governor and to each session of the legislature. The report
18 and proposed legislation shall be made available on or before
19 December 15 each year."

20 **SECTION 16.** Section 7-27-12 NMSA 1978 (being Laws 1961,
21 Chapter 5, Section 10, as amended by Laws 2001, Chapter 37,
22 Section 1 and by Laws 2001, Chapter 338, Section 1) is amended
23 to read:

24 "7-27-12. WHEN SEVERANCE TAX BONDS TO BE ISSUED.--

25 A. The state board of finance shall issue and sell

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1 all severance tax bonds when authorized to do so by any law
2 that sets out the amount of the issue and the recipient of the
3 money.

4 B. The state board of finance shall also issue and
5 sell severance tax bonds authorized by Sections 72-14-36
6 through 72-14-42 NMSA 1978, and such authority as has been
7 given to the interstate stream commission to issue and sell
8 such bonds is transferred to the state board of finance. The
9 state board of finance shall issue and sell all severance tax
10 bonds only when so instructed by resolution of the governing
11 body or by written direction from an authorized officer of the
12 recipient of the bond money.

13 C. Except as provided in Subsection D of this
14 section, proceeds from supplemental severance tax bonds shall
15 be used only for public school capital outlay projects pursuant
16 to the Public School Capital Outlay Act or the Public School
17 Capital Improvements Act.

18 D. Proceeds from supplemental severance tax bonds
19 issued pursuant to Paragraph (2) of Subsection A of Section 19
20 of Chapter 6 of Laws 1999 (1st S.S.) shall be used for the
21 purposes specified in that paragraph.

22 E. Except as provided in Subsection F of this
23 section, the state board of finance shall issue and sell all
24 supplemental severance tax bonds when so instructed by
25 resolution of the public school capital outlay council pursuant

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1 to Section 7-27-12.2 NMSA 1978.

2 F. The state board of finance shall issue and sell
3 supplemental severance tax bonds authorized by Paragraph (2) of
4 Subsection A of Section 19 of Chapter 6 of Laws 1999 (1st S.S.)
5 when so instructed by resolution of the [~~commission on~~] higher
6 education department.

7 G. The state board of finance shall deduct four and
8 one-half percent from the proceeds of severance tax bonds sold
9 in any year for capital projects; provided that this provision
10 does not apply to severance tax bonds issued pursuant to
11 Subsections B through F of this section. The money deducted
12 shall be credited to the capital project administration fund."

13 SECTION 17. Section 9-6-3 NMSA 1978 (being Laws 1977,
14 Chapter 247, Section 3, as amended) is amended to read:

15 "9-6-3. DEPARTMENT OF FINANCE AND ADMINISTRATION--
16 CREATION--TRANSFER AND MERGER OF DIVISION FUNCTIONS--MERGER AND
17 CREATION OF DIVISIONS.--

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

- 23 (1) the board of finance division;
- 24 (2) the financial control division;
- 25 (3) the local government division;

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1 (4) the management and contracts review
2 division; ~~and~~
3 (5) the state budget division; and
4 (6) the capital outlay planning and monitoring
5 division.

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

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

13 SECTION 18. Section 9-6-5.1 NMSA 1978 (being Laws 1983,
14 Chapter 296, Section 7) is amended to read:

15 "9-6-5.1. PLANNING POWERS AND DUTIES OF SECRETARY OF
16 FINANCE AND ADMINISTRATION.--The secretary of [~~the department~~
17 ~~of~~] finance and administration, in addition to the other powers
18 and duties conferred:

19 A. shall review federal grant applications and
20 provide management assistance;

21 B. shall coordinate, in accordance with directives
22 from the governor's office of policy and planning, state agency
23 plans for economic, natural resource, energy resource and human
24 resource development;

25 C. shall provide aid to planning and development

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1 districts in developing grant proposals and cooperate with
2 other local entities in developing grant proposals;

3 ~~[D. shall acquire, study and review all plans for~~
4 ~~capital projects proposed by state agencies and render advice~~
5 ~~on the plans. The secretary shall maintain long-range~~
6 ~~estimates and plans for capital projects and develop standards~~
7 ~~for measuring the need for and utility of proposed projects;~~

8 ~~E.]~~ D. may contract for, receive and utilize any
9 grants or other financial assistance made available by the
10 United States government or by any other source, public or
11 private;

12 ~~[F.]~~ E. may provide planning and funding assistance
13 to units of local government, council of government
14 organizations, Indian tribal governments situated within New
15 Mexico and ~~[to]~~ nonprofit entities having for their purpose
16 local, regional or community betterment. The secretary,
17 incident to any such programs, may enter into contracts and
18 agreements with such units of local government, council of
19 government organizations, Indian tribal governments, nonprofit
20 entities and the federal government and may participate in or
21 receive aid from any federal or private program in relation to
22 such a planning program or assistance;

23 ~~[G.]~~ F. shall confer with the state budget division
24 ~~[of the department of finance and administration]~~ and the
25 capital outlay and monitoring division in developing

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1 comprehensive plans to assure coordination of planning and
2 budgeting functions;

3 ~~[H.]~~ G. shall coordinate the state clearinghouse
4 review process;

5 ~~[I.]~~ H. shall develop a status of the state report;

6 ~~[J.]~~ I. shall review and coordinate comment by
7 state agencies on draft environmental impact statements;

8 ~~[K.]~~ J. shall provide community development block
9 grant technical assistance to local governments;

10 ~~[L.]~~ K. shall administer, in consultation with and
11 upon advice and direction from the community development block
12 grant policy committee, the program for the state community
13 development block grant program;

14 ~~[M.]~~ L. shall serve as staff to the New Mexico
15 association of regional councils;

16 ~~[N.]~~ M. shall maintain a state planning library;
17 and

18 ~~[O.]~~ N. shall provide planning assistance to county
19 and multi-county districts relative to application by such
20 districts for financial assistance and for regional plan
21 development."

22 **SECTION 19. TEMPORARY PROVISION--TRANSFER--**

23 **APPROPRIATION.--**Four and one-half percent of the amount of each
24 capital outlay project funded in House Bill 211, House Bill
25 337, Senate Bill 60 or similar legislation of the first session

.191386A.2

underscoring material = new
~~[bracketed material] = delete~~

1 of the fifty-first legislature shall be transferred to the
2 capital project administration fund. Money in that fund is
3 appropriated to the capital outlay planning and monitoring
4 division of the department of finance and administration for
5 expenditure in fiscal year 2014 and subsequent fiscal years to
6 carry out the purposes of the Capital Outlay Planning and
7 Monitoring Act. Any unexpended or unencumbered balance
8 remaining at the end of a fiscal year shall not revert to the
9 general fund.

10 SECTION 20. TEMPORARY PROVISION--TRANSFER OF FUNCTIONS,
11 MONEY, APPROPRIATIONS AND PROPERTY.--On the effective date of
12 the provisions of this act, all functions, money,
13 appropriations, records, furniture, equipment and other
14 property of the capital projects bureau of the state budget
15 division of the department of finance and administration are
16 transferred to the capital outlay planning and monitoring
17 division of the department of finance and administration.

18 SECTION 21. REPEAL.--Section 6-4-1 NMSA 1978 (being Laws
19 1975, Chapter 282, Section 3, as amended) is repealed.

20 SECTION 22. EFFECTIVE DATE.--The effective date of the
21 provisions of this act is July 1, 2013.