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FISCAL IMPACT REPORT

Garcia
 H./Johnson/Lente/
SPONSOR Alcon **ORIGINAL DATE** 1/30/2020 **LAST UPDATED** 2/9/2020 **HB** 207/aHTPWC
SHORT TITLE Change Local Government Transpo Project Fund **SB** _____
ANALYST Jorgensen

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY20	FY21	FY22	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total				See Fiscal Implications		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates Senate Bill 224.

SOURCES OF INFORMATION

LFC Files

Responses Received From

Attorney General (NMAG)

Department of Transportation (NMDOT)

SUMMARY

Synopsis of HTPWC Amendment

The House Transportation, Public Works and Capital Improvements Committee amendment to House Bill 207 expands the definition of transportation infrastructure to include transit, bicycle, and pedestrian infrastructure. The amendment stipulates a transportation project does not include beautification projects as determined by the state transportation commission.

Synopsis of Original Bill

House Bill 207 changes the name of the "Local Government Transportation Project Fund" (LGTPF) to "Transportation Project Fund" (TPF). HB 207 amends the LGTPF to include a "tribe", defined as "an Indian nation, tribe or pueblo located wholly or partially in New Mexico", as an eligible grant recipient under the fund. HB207 would also amend the definition of "Transportation Project" to add a "maintenance project" as an eligible project while expressly excluding a "transportation enhancement project" from eligibility.

FISCAL IMPLICATIONS

HB207 does not include an appropriation nor require spending, therefore the bill has no fiscal impact.

NMDOT reports there are three different House bills propose amendments to the LGPTF; HB26, HB207 and HB220. HB26 and HB207 would change the name of the fund to “Transportation Project Fund” and allow tribes to be eligible to receive grants from the fund. HB26 would amend the definition of a “transportation project” to expressly exclude “beautification projects” leaving the determination of what constitutes a beautification project to the State Transportation Commission. HB207 would expressly exclude “enhancement projects” leaving the determination of what constitutes an enhancement project to the State Transportation Commission. All three add a “maintenance” project” as an eligible project.

OTHER SUBSTANTIVE ISSUES

NMAG notes:

House Bill 207’s provisions allowing tribes to be the recipients of grants from the transportation project fund does not appear to raise a constitutional issue with respect to the Anti-donation Clause of the New Mexico Constitution because tribes are considered governmental entities and not private actors. *See* N.M. Atty. Gen. Letter to Hon. Ray Begaye, New Mexico House of Representatives (Aug. 14, 2012).

CJ/rl/al/rl