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HOUSE BILL 14

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

Meredith Dixon and Kristina Ortez and Susan K. Herrera

AN ACT

RELATING TO GOVERNMENT; ENACTING THE GRANTS ADMINISTRATION ACT;
CREATING THE GRANTS ADMINISTRATION DIVISION; CREATING THE GRANT
OPPORTUNITIES COUNCIL; PROVIDING POWERS AND DUTIES; CREATING A
FUND; MAKING APPROPRIATIONS.

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

SECTION 1. Section 9-6-3 NMSA 1978 (being Laws 1977,
Chapter 247, Section 3, as amended) is amended to read:

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

A. The "department of finance and administration"
is created. The department shall consist of those divisions
created by law or executive order, as modified by executive
order pursuant to Subsection C of this section, including but

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1 not limited to:

- 2 (1) the board of finance division;
- 3 (2) the financial control division;
- 4 (3) the grants administration division;
- 5 [~~3~~] (4) the local government division;
- 6 [~~4~~] (5) the management and contracts review
- 7 division; and
- 8 [~~5~~] (6) the state budget division.

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

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

16 SECTION 2. A new section of Chapter 12 NMSA 1978 is
17 enacted to read:

18 "[NEW MATERIAL] SHORT TITLE.--Sections 2 through 6 of this
19 act may be cited as the "Grants Administration Act"."

20 SECTION 3. A new section of Chapter 12 NMSA 1978 is
21 enacted to read:

22 "[NEW MATERIAL] DEFINITIONS.--As used in the Grants
23 Administration Act:

- 24 A. "council" means the grant opportunities council;
- 25 B. "department" means the department of finance and

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1 administration;

2 C. "division" means the grants administration
3 division of the department;

4 D. "fund" means the matching grant fund;

5 E. "local government" means a county, municipality,
6 school district, charter school, council of governments, land
7 grant-merced or other special or regional planning and
8 development district; and

9 F. "state agency" means any branch, department,
10 agency, institution, board, bureau, commission, district or
11 committee of government of the state."

12 SECTION 4. A new section of Chapter 12 NMSA 1978 is
13 enacted to read:

14 "[NEW MATERIAL] GRANTS ADMINISTRATION DIVISION--PURPOSE--
15 POWERS AND DUTIES.--

16 A. The "grants administration division" of the
17 department is created. The division shall develop and
18 implement a streamlined, efficient and sustainable grant
19 process for state agencies and local governments so that those
20 governments may procure, implement, manage and sustain grant
21 funding in their localities to augment current resources or
22 provide opportunities to introduce innovative programming at
23 less financial risk to the government.

24 B. The division shall manage the grant functions of
25 the secretary of finance and administration and the department.

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1 The division shall:

2 (1) review federal grant applications and
3 provide grant management assistance to state agencies and local
4 governments;

5 (2) provide technical assistance to state
6 agency and local government grant writers;

7 (3) conduct grant-writing workshops for state
8 agencies and local governments;

9 (4) provide services and education to ensure
10 best practices by grantees through the life cycle of the grant
11 process, including best practices for fiscal and programmatic
12 accountability;

13 (5) conduct an annual grants survey of state
14 agencies and local governments to identify needs and to provide
15 a gap analysis of resources needed to track, apply and manage
16 grant opportunities;

17 (6) provide pre-application coordination and
18 collaboration between state and local government agencies and
19 assist state and local governments in developing grant
20 proposals;

21 (7) serve as the state grants clearinghouse
22 and identify federal and other public and private grant and
23 donation opportunities of interest to governmental agencies and
24 nonprofit organizations focused on community needs;

25 (8) maintain a website that includes periodic

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1 information on the availability of federal and other public and
2 private grants and donation opportunities by topic;

3 (9) work with the Indian affairs department to
4 identify grant opportunities for tribal governments within New
5 Mexico and provide technical assistance and training in grant
6 writing and grant management; and

7 (10) perform other duties to carry out the
8 provisions of the Grants Administration Act or those assigned
9 by the secretary of finance and administration.

10 C. The division may:

11 (1) network and collaborate with nonprofit
12 organizations to optimize grant dollars coming into the state
13 for the public good;

14 (2) form regional working groups of grant-
15 seeking governmental agencies and work groups of grant
16 professionals; and

17 (3) promulgate rules to implement the
18 provisions of the Grants Administration Act."

19 SECTION 5. A new section of Chapter 12 NMSA 1978 is
20 enacted to read:

21 "[NEW MATERIAL] MATCHING GRANT FUND--CREATED--PURPOSE--
22 APPLICATIONS.--

23 A. The "matching grant fund" is created as a
24 nonreverting fund in the state treasury, consisting of
25 appropriations, gifts, grants and donations. The fund shall be
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1 administered by the division, and money in the fund is
2 appropriated to the division to help state agencies and local
3 governments meet matching requirements of federal and other
4 grants. Expenditures from the fund shall be on warrants of the
5 secretary of finance and administration on vouchers signed by
6 the director or the director's authorized representative.

7 B. The division shall establish standards of
8 eligibility and criteria for prioritizing match applications
9 for funding from the matching grant fund. Application shall be
10 on forms provided by the division and include all the
11 information required by the division."

12 SECTION 6. A new section of Chapter 12 NMSA 1978 is
13 enacted to read:

14 "[NEW MATERIAL] GRANT OPPORTUNITIES COUNCIL.--

15 A. The "grant opportunities council" is created and
16 is administratively attached to the division. The council
17 consists of:

18 (1) the director of the local government
19 division of the department or the director's designee; and

20 (2) the following members appointed by the
21 governor:

22 (a) three county representatives, each
23 representing a small-, medium- or large-population county;

24 (b) three municipal representatives,
25 each representing a small-, medium- or large-population

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1 municipality;

2 (c) three representatives of other local
3 governments;

4 (d) two representatives of nonprofit
5 organizations focused on community needs;

6 (e) two grant professionals who have
7 experience writing and administering grants; and

8 (f) one local staff member of a member
9 of the New Mexico congressional delegation.

10 B. The governor shall invite the director of the
11 New Mexico field office of the rural utilities service of the
12 United States department of agriculture and other federal
13 representatives in New Mexico to participate in the activities
14 of the council.

15 C. Members appointed by the governor shall serve at
16 the pleasure of the governor. Members who are not paid with
17 public funds are entitled to per diem and mileage as provided
18 for state employees in the Per Diem and Mileage Act, but shall
19 receive no other compensation, perquisite or allowance.

20 D. The council shall elect a chair and vice chair.
21 The division shall serve as staff for the council. The council
22 shall meet regularly at the call of the chair.

23 E. The council shall advise the division on grant
24 matters, including:

25 (1) methods and models for identifying,

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1 procuring, using and maintaining federal and other grants;

2 (2) identification of barriers to state
3 agencies' and local governments' procuring and managing federal
4 and other grants;

5 (3) best practices for managing and accounting
6 for grants;

7 (4) the contents and analyses of the annual
8 grants survey; and

9 (5) other grant topics requested by division
10 or the department.

11 F. The council shall make findings and
12 recommendations to the division, the department, the governor
13 and the legislature by December 1 of each year."

14 **SECTION 7. APPROPRIATIONS.--**

15 A. Five hundred thousand dollars (\$500,000) is
16 appropriated from the general fund to the department of finance
17 and administration for expenditure in fiscal year 2022 to
18 establish the grants administration division and carry out the
19 purposes of the Grants Administration Act. Any unexpended or
20 unencumbered balance remaining at the end of fiscal year 2022
21 shall revert to the general fund.

22 B. One million dollars (\$1,000,000) is appropriated
23 from the general fund to the matching grant fund for
24 expenditure in fiscal year 2022 and subsequent fiscal years to
25 carry out the purposes of the fund. Any unexpended or

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1 unencumbered balance remaining at the end of a fiscal year
2 shall not revert.

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