

1 SENATE BILL 197

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

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7
8 FOR THE LEGISLATIVE FINANCE COMMITTEE

9
10 AN ACT

11 RELATING TO PUBLIC FINANCE; CREATING THE INFRASTRUCTURE
12 PLANNING AND DEVELOPMENT OFFICE; PROVIDING POWERS AND DUTIES;
13 MAKING THE DIRECTOR OF THE OFFICE THE CHAIR OF THE EXECUTIVE
14 CAPITAL OUTLAY REVIEW COMMITTEE AND THE NEW MEXICO COMMUNITY
15 DEVELOPMENT COUNCIL; CREATING A WATER PROJECTS TEAM IN THE
16 OFFICE TO FOCUS ON WATER PROJECT FUNDING AND COORDINATION;
17 MAKING AN APPROPRIATION.

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

20 SECTION 1. Section 9-14-1 NMSA 1978 (being Laws 1983,
21 Chapter 296, Section 1) is amended to read:

22 "9-14-1. SHORT TITLE.--~~[Sections 1 through 7 of this act]~~
23 Chapter 9, Article 14 NMSA 1978 may be cited as the "Executive
24 Planning Act"."

25 SECTION 2. A new section of the Executive Planning Act is
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1 enacted to read:

2 "[NEW MATERIAL] INFRASTRUCTURE PLANNING AND DEVELOPMENT
3 OFFICE CREATED--ADMINISTRATIVELY ATTACHED--POWERS AND DUTIES.--

4 A. As used in this section:

5 (1) "infrastructure" means the underlying
6 capital assets of the state or local government that are the
7 physical framework of the state or local government and
8 includes water systems, surface and ground water
9 infrastructure, including dams and reservoirs; power and
10 energy; government, civic and educational facilities; liquid
11 and solid waste disposal; transportation modes, including
12 roads, highways and bridges, aviation and rail; and
13 telecommunications and information technology, including
14 broadband;

15 (2) "local government" means a county,
16 municipality, council of governments, school district or
17 charter school, land grant-merced or other special or regional
18 planning and development district;

19 (3) "office" means the infrastructure planning
20 and development office; and

21 (4) "state agency" means a department, agency,
22 institution, board, commission or committee of state
23 government.

24 B. The "infrastructure planning and development
25 office" is created in the office of the governor. The office

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1 shall be headed by a director appointed by the governor. The
2 director may employ such professional and clerical staff as
3 necessary to carry out the functions of the office. The
4 director shall chair the executive capital outlay review
5 committee and the New Mexico community development council.

6 C. The office shall:

7 (1) conduct and complete a current, five-year
8 and ten-year statewide needs assessment for key infrastructure
9 types;

10 (2) develop and implement a system of capital
11 planning, navigation and coordination for state agencies and
12 local governments, including:

13 (a) the governor's office of policy and
14 planning;

15 (b) the New Mexico community development
16 council;

17 (c) the local government division, the
18 capital outlay bureau and federal grants bureau of the state
19 budget division and any other unit of the department of finance
20 and administration that is responsible for carrying out the
21 statutory planning powers of the secretary of finance and
22 administration;

23 (d) the general services department for
24 all state agencies under the facilities management division;

25 (e) the department of transportation;

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- 1 (f) the cultural affairs department;
2 (g) the New Mexico state fair;
3 (h) the department of game and fish;
4 (i) the state parks division of the
5 energy, minerals and natural resources department;
6 (j) the higher education department;
7 (k) the public school facilities
8 authority;
9 (l) the New Mexico finance authority;
10 (m) the department of environment;
11 (n) the department of health;
12 (o) the corrections department;
13 (p) the office of the state engineer and
14 the interstate stream commission;
15 (q) the council of governments;
16 (r) the New Mexico mortgage finance
17 authority; and
18 (s) other appropriate state agencies and
19 regional planning agencies;
20 (3) develop a cooperative relationship with
21 federal agencies that provide grants and loans to state or
22 local governments, and foster cooperative relationships among
23 state agencies, local governments and federal agencies;
24 (4) coordinate with state agencies to assist
25 and provide support to local governments that are seeking

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1 funding for local infrastructure projects from state, federal
2 or private sources, including an evaluation of operational
3 needs and whether sufficient operational revenue is available;

4 (5) serve as the state's single point of entry
5 for state agencies and local governments for advice and
6 assistance regarding infrastructure financing and for support
7 to small and rural local governments in administering
8 legislatively funded capital outlay projects or funding through
9 grants and loans;

10 (6) facilitate and support planning for high-
11 impact regional and local projects that meet statewide economic
12 and community development goals and bring annual requests for
13 such projects to the executive capital outlay review committee;
14 and

15 (7) consult regularly with the legislature on
16 infrastructure projects that are most in need of sufficient
17 legislative bond authorization or appropriation to reach full
18 funding to complete a stalled project.

19 D. By January 1, 2025, the office shall deliver to
20 the legislature and the governor a report that includes:

21 (1) an evaluation of the state's technical
22 expertise in key types of infrastructure planning, construction
23 and operation;

24 (2) identification of strategies to improve
25 alignment of existing infrastructure planning and

1 administration;

2 (3) analysis of methods to simplify
3 infrastructure planning and administration;

4 (4) analysis of methods to promote
5 regionalization of key types of infrastructure serving more
6 than one local government;

7 (5) recommendations on the scope of the
8 office's duties;

9 (6) an analysis of the staffing needs of the
10 office;

11 (7) strategies for state agencies and local
12 governments to leverage all available funding sources for the
13 completion of infrastructure projects; and

14 (8) outcome measures to evaluate
15 infrastructure project proposals.

16 E. The office shall establish a "water projects
17 team" responsible for providing project development assistance
18 and funding navigation for community water and wastewater
19 systems. The team shall catalog all agencies that deal with
20 water infrastructure, including their water authorities and
21 responsibilities, and convene agencies as needed to:

22 (1) coordinate funding and services;

23 (2) review current project eligibility
24 requirements and barriers to access for existing drinking water
25 and wastewater funding sources and propose approaches to

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1 streamline program procedures and increase access; and

2 (3) propose clear standards-based criteria for
3 vetting and prioritizing projects across funding sources to
4 advance public health outcomes, promote resilient
5 infrastructure and systems and support regulatory compliance."

6 SECTION 3. Section 11-6-4 NMSA 1978 (being Laws 1977,
7 Chapter 299, Section 4, as amended) is amended to read:

8 "11-6-4. NEW MEXICO COMMUNITY DEVELOPMENT COUNCIL--
9 [~~ESTABLISHED~~] CREATED--APPOINTMENT--TERMS--OFFICERS.--

10 A. The "New Mexico community development council"
11 is created.

12 B. The council [~~shall consist~~] consists of:

13 (1) the director of the infrastructure
14 planning and development office, who shall chair the council;

15 [~~(1)~~] (2) the secretary of finance and
16 administration or a member of [~~his~~] the secretary's staff
17 designated by [~~him~~] the secretary;

18 [~~(2)~~] (3) the governor or a member of [~~his~~]
19 the governor's staff designated by [~~him~~] the governor;

20 [~~(3)~~] (4) the secretary of health [~~and~~
21 environment] or a member of [~~his~~] the secretary's staff
22 designated by [~~him~~] the secretary;

23 [~~(4)~~] (5) the lieutenant governor or a member
24 of [~~his~~] the lieutenant governor's staff designated by [~~him~~]
25 the lieutenant governor; and

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1 [~~5~~] (6) seven members appointed by the
2 governor. Appointments shall be made for three-year terms
3 expiring on January 1 of the appropriate year. Each of the
4 following districts shall be represented by one member who
5 shall reside in that district:

6 (a) district one--San Juan, McKinley and
7 Cibola counties;

8 (b) district two--Rio Arriba, Santa Fe,
9 Taos, Los Alamos, Colfax, Mora and San Miguel counties;

10 (c) district three--Bernalillo,
11 Sandoval, Torrance and Valencia counties;

12 (d) district four--Union, Harding, Quay,
13 Guadalupe, [~~DeBaca~~] De Baca, Roosevelt and Curry counties;

14 (e) district five--Catron, Hidalgo, Luna
15 and Grant counties;

16 (f) district six--Lincoln, Otero,
17 Chaves, Eddy and Lea counties; and

18 (g) district seven--Sierra, Dona Ana and
19 Socorro counties.

20 Appointment of the two additional members provided for in
21 the 1984 amendment to this subsection shall be for terms
22 expiring on January 1, 1986 and January 1, 1987, and thereafter
23 for three years.

24 C. An appointed member's term may be terminated by
25 the governor for good cause shown.

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