SENATE BILL 541

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Ben D. Altamirano

AN ACT

RELATING TO INFRASTRUCTURE FUNDING; CREATING A PERMANENT LEGISLATIVE CAPITAL COUNCIL AND ESTABLISHING ITS DUTIES; CREATING THE LEGISLATIVE INFRASTRUCTURE FUND; DISTRIBUTING MOTOR VEHICLE EXCISE TAX REVENUES AND TOBACCO SETTLEMENT REVENUES TO THE FUND; MAKING AN APPROPRIATION.

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

Section 1. [NEW MATERIAL] LEGISLATIVE CAPITAL COUNCIL CREATED--MEMBERSHIP--SUBCOMMITTEES--STAFF.--

A. The "legislative capital council" is created as a permanent joint interim legislative committee.

B. The legislative capital council shall consist of eight members. The New Mexico legislative council shall appoint four members from the house of representatives and four members from the senate and shall designate the chairman

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1   and vice chairman of the legislative capital council. Members

2   shall be appointed from each house so as to give the two major

3   political parties in each house the same proportionate

4   representation on the council as prevails in each house;

5   however, in no event shall each of the parties have less than

6   one member from each house on the council. At the request of

7   the council chairman, a member may be removed from the council

8   by the New Mexico legislative council for nonattendance

9   according to New Mexico legislative council policy. Vacancies

10   on the legislative capital council, however caused, shall be

11   filled by the New Mexico legislative council.

12   C.   No action shall be taken by the legislative

13   capital council if a majority of the total membership from

14   either house on the council rejects the action.

15   D.   To carry out its duties, the legislative

16   capital council may create subcommittees. Subcommittees shall

17   be created only by majority vote of all members appointed to

18   the legislative capital council and with the prior approval of

19   the New Mexico legislative council. A subcommittee shall be

20   composed of at least one member from the senate and one member

21   from the house of representatives, and at least one member of

22   the minority party shall be a member of the subcommittee.

23   All meetings and expenditures of a subcommittee shall be

24   approved by the full council in advance of such meeting or

25   expenditure, and the approval shall be shown in the minutes of

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1   the council.

2   E.   The staff for the legislative capital council

3   shall be provided by the legislative council service.

4   Section 2.   [NEW MATERIAL] LEGISLATIVE CAPITAL COUNCIL--

5   DUTIES.--The legislative capital council shall:

6   A.   develop and implement a process for gathering

7   and providing information on state and local capital needs and

8   priorities in a manner that will assist the legislature in the

9   selection of capital projects to be funded;

10   B.   identify and inventory the current and long-

11   term capital needs of state agencies, educational

12   institutions, public schools and local governments;

13   C.   develop a method for setting priorities among

14   the various capital needs and guidelines for making annual

15   recommendations to the legislature for capital funding;

16   D.   determine annually the amount of money and

17   bonding capacity available from all state and local sources

18   for funding of capital projects;

19   E.   coordinate with and seek testimony and

20   assistance, as necessary to carry out the council's duties,

21   from state agencies or institutions or any district or local

22   government officials or agencies;

23   F.   make recommendations, as needed, for additional

24   funding sources or financing mechanisms for capital projects

25   and for management or oversight of capital project funding

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1 programs; and

2   G.   report annually to the New Mexico legislative

3 council and to each regular session of the legislature its

4 findings and general recommendations on state and local

5 capital needs and priorities and proposed legislation, if any,

6 for changes in financing state and local capital projects.

7   Section 3.   [NEW MATERIAL] LEGISLATIVE INFRASTRUCTURE

8 FUND CREATED-- DISTRIBUTION OF TOBACCO SETTLEMENT REVENUES TO

9 FUND.--

10   A.   The "legislative infrastructure fund" is

11 created in the state treasury and shall consist of

12 distributions of tobacco settlement revenue and motor vehicle

13 excise tax receipts distributed to the fund.   Money in the

14 fund shall be available for appropriation by the legislature

15 for any capital outlay purpose of the state or any agency,

16 institution, instrumentality or political subdivision of the

17 state.   Income earned from investment of the fund shall accrue

18 to the fund.   Balances in the fund at the end of any fiscal

19 year shall not revert, but shall remain in the fund for

20 appropriation in subsequent fiscal years.

21   B.   The state treasurer shall transfer to the

22 legislative infrastructure fund twenty-five percent of every

23 amount distributed to the state pursuant to the master

24 settlement agreement entered into between tobacco product

25 manufacturers and the various states, including New Mexico,

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1   and executed November 23, 1998, or transferred from a

2   qualified escrow fund authorized by a qualifying state statute

3   enacted pursuant to the master settlement agreement.

4   Section 4.   Section 7-14-10 NMSA 1978 (being Laws 1988,

5   Chapter 73, Section 20, as amended) is amended to read:

6   "7-14-10.   DISTRIBUTION OF PROCEEDS.--The receipts from

7   the tax and any associated interest and penalties shall be

8   deposited in the "motor vehicle suspense fund", hereby created

9   in the state treasury.   As of the end of each month, the net

10   receipts attributable to the tax and associated penalties and

11   interest shall be distributed [to the general fund] as

12   follows:

13   A.   prior to July 1, 2000, to the general fund;

14   B.   for the period from July 1, 2000 through June

15   30, 2001, two-thirds to the general fund and one-third to the

16   legislative infrastructure fund;

17   C.   for the period from July 1, 2001 through June

18   30, 2002, one-third to the general fund and two-thirds to the

19   legislative infrastructure fund; and

20   D.   after June 30, 2002, to the legislative

21   infrastructure fund."

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FORTY-FOURTH LEGISLATURE

FIRST SESSION, 1999

February 24, 1999

Mr. President:

Your **WAYS & MEANS COMMITTEE**, to whom has been referred

SENATE BILL 541

has had it under consideration and reports same with

recommendation that it **DO PASS**, and thence referred to the

FINANCE COMMITTEE.

Respectfully submitted,

_____

Carlos R. Cisneros, Chairman

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1 Adopted_____ Not

2 Adopted_____

3   (Chief Clerk)   (Chief Clerk)

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6   Date _____

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9 The roll call vote was 5 For 1 Against

10 Yes: 5

11 No: Rawson

12 Excused: Carraro, Duran, Kidd

13 Absent: None

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FORTY-FOURTH LEGISLATURE   **SB 541/a**

FIRST SESSION, 1999

March 8, 1999

Mr. President:

Your **FINANCE COMMITTEE**, to whom has been referred

SENATE BILL 541

has had it under consideration and reports same with

recommendation that it **DO PASS**, amended as follows:

1. In page 4, line 17, strike the period and insert in
lieu thereof a semicolon and "provided that no money shall be
appropriated from the fund unless the recipient of the
appropriation has identified the source of revenue that will be
used to maintain and operate the capital project.".

Respectfully submitted,

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Ben D. Altamirano, Chairman

Adopted_____ Not

Adopted_____

       (Chief Clerk)   (Chief Clerk)

              Date _____

The roll call vote was __8__ For __0__ Against

Yes: 8

No: 0

Excused: Campos, Carraro, Ingle, McKibben, Tsosie

Absent: None

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