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SENATE BILL 590

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

INTRODUCED BY

Manny M Aragon

AN ACT

**RELATING TO FINANCING OF HIGHWAY PROJECTS; CREATING THE
HIGHWAY INFRASTRUCTURE FUND; PROVIDING FOR DISTRIBUTION OF
CERTAIN FEES AND TAX PROCEEDS TO THE FUND TO ENSURE NECESSARY
FUNDS FOR CERTAIN HIGHWAY PROJECTS AUTHORIZED BY LAWS 1998,
CHAPTER 84 AND LAWS 1998, CHAPTER 85; ADJUSTING THE RATE OF
THE PETROLEUM PRODUCTS LOADING FEE; AMENDING AND REPEALING
SECTIONS OF LAWS 1995, CHAPTER 6; MAKING APPROPRIATIONS;
DECLARING AN EMERGENCY.**

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

**Section 1. Section 7-1-6.25 NMSA 1978 (being Laws 1988,
Chapter 70, Section 9, as amended) is amended to read:**

**"7-1-6.25. DISTRIBUTION OF PETROLEUM PRODUCTS LOADING
FEE-- CORRECTIVE ACTION FUND-- LOCAL GOVERNMENTS ROAD FUND. -- A
distribution pursuant to Section 7-1-6.1 NMSA 1978 of the net
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1 receipts attributable to the petroleum products loading fee
2 shall be made to each of the following funds in the following
3 amounts:

4 A. to the local governments road fund an amount
5 equal to the net receipts attributable to a fee of forty
6 dollars (\$40.00) per load; [~~and~~]

7 B. to the highway infrastructure fund an amount
8 equal to the net receipts attributable to a fee of thirty
9 dollars (\$30.00) per load; and

10 [~~B.~~] C. to the corrective action fund the balance,
11 if any, of the net receipts. "

12 Section 2. A new section of the Tax Administration Act
13 is enacted to read:

14 "[NEW MATERIAL] DISTRIBUTION-- GASOLINE TAX-- HIGHWAY
15 INFRASTRUCTURE FUND. --A distribution pursuant to Section
16 7-1-6.1 NMSA 1978 shall be made to the highway infrastructure
17 fund in an amount equal to five and eighty-eight hundredths
18 percent of the net receipts attributable to the gasoline tax. "

19 Section 3. Section 7-13A-3 NMSA 1978 (being Laws 1990,
20 Chapter 124, Section 16, as amended) is amended to read:

21 "7-13A-3. IMPOSITION AND RATE OF FEE-- DENOMINATION AS
22 "PETROLEUM PRODUCTS LOADING FEE". --

23 A. For the privilege of loading gasoline or
24 special fuel from a rack at a refinery or pipeline terminal in
25 this state into a cargo tank, there is imposed a fee on the

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1 distributor at a rate provided in Subsection C of this section
2 on each gallon of gasoline or special fuel loaded in New
3 Mexico on which the petroleum products loading fee has not
4 been previously paid.

5 B. For the privilege of importing gasoline or
6 special fuel into this state for resale or consumption in this
7 state there is imposed a fee determined as provided in
8 Subsection C of this section on each load of gasoline or
9 special fuel imported into New Mexico for resale or
10 consumption on which the petroleum products loading fee has
11 not been previously paid. For the purposes of this section,
12 "load" means eight thousand gallons of gasoline or special
13 fuel. To determine how many loads a person is to report under
14 the provisions of this section, the person shall divide by
15 eight thousand the total gallons of gasoline reported for the
16 purposes of Section 7-13-3 NMSA 1978 as adjusted under the
17 provisions of Section 7-13-4 NMSA 1978 and the total gallons
18 of special fuels received in New Mexico less any gallons
19 exempted under Section 7-13A-4 NMSA 1978. Loads shall be
20 calculated to the nearest one-hundredth of a load.

21 C. The fee imposed by this section is and may be
22 referred to as the "petroleum products loading fee" and shall
23 be one hundred fifty dollars (\$150) per load or whichever of
24 the following applies:

25 (1) in the event the secretary of environment

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1 certifies that the unobligated balance of the corrective
2 action fund at the end of the prior fiscal year equals or
3 exceeds eighteen million dollars (\$18,000,000), the fee shall
4 be set at [~~forty dollars (\$40.00)~~] seventy dollars (\$70.00)
5 per load;

6 (2) in the event the secretary of
7 environment certifies that the unobligated balance of the
8 corrective action fund at the end of the prior fiscal year
9 exceeds twelve million dollars (\$12,000,000) but is less than
10 eighteen million dollars (\$18,000,000), the fee shall be set
11 at [~~eighty dollars (\$80.00)~~] one hundred ten dollars (\$110.00)
12 per load; and

13 (3) in the event the secretary of
14 environment certifies that the unobligated balance of the
15 corrective action fund at the end of the prior fiscal year
16 [~~exceeds six million dollars (\$6,000,000) but~~] is less than
17 twelve million dollars (\$12,000,000), the fee shall be set at
18 [~~one hundred twenty dollars (\$120)~~] one hundred fifty dollars
19 (\$150) per load [and

20 ~~(4) in the event the secretary of~~
21 ~~environment certifies that the unobligated balance of the~~
22 ~~corrective action fund at the end of the prior fiscal year is~~
23 ~~less than six million dollars (\$6,000,000), the fee shall be~~
24 ~~set at one hundred fifty dollars (\$150) per load].~~

25 D. The amount of the petroleum products loading

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1 fee set pursuant to Paragraph (1), (2) or (3) [~~or (4)~~] of
2 Subsection C of this section shall be imposed on the first day
3 of the month following expiration of ninety days after the end
4 of the fiscal year for which the certification was made.

5 E. As used in this section, "unobligated balance
6 of the corrective action fund" means corrective action fund
7 equity less all known or anticipated liabilities against the
8 fund. "

9 Section 4. Section 7-14A-10 NMSA 1978 (being Laws 1991,
10 Chapter 197, Section 14) is amended to read:

11 "7-14A-10. DISTRIBUTION OF PROCEEDS. --At the end of each
12 month, the net receipts attributable to the leased vehicle
13 gross receipts tax and any associated penalties and interest
14 shall be distributed [~~as follows: A. five-twelfths~~] to the
15 [~~state road fund~~

16 B. ~~one-third to the general fund; and~~

17 C. ~~the remainder to the local governments road~~
18 fund] highway infrastructure fund. "

19 Section 5. Section 66-6-23 NMSA 1978 (being Laws 1978,
20 Chapter 35, Section 358, as amended) is amended to read:

21 "66-6-23. DISPOSITION OF FEES. --

22 A. After the necessary disbursements for refunds
23 and other purposes have been made, the money remaining, except
24 for remittances received within the previous two months that
25 are unidentified as to source or disposition, shall be

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1 distributed as follows:

2 (1) to each municipality, county or fee agent
3 operating a motor vehicle field office, an amount equal to six
4 dollars (\$6.00) per driver's license and three dollars (\$3.00)
5 per identification card or motor vehicle or motorboat
6 registration or title transaction performed;

7 (2) to each municipality or county, other
8 than a class A county with a population in excess of three
9 hundred thousand or a municipality with a population in excess
10 of three hundred thousand within a class A county, operating a
11 motor vehicle field office, an amount equal to fifty cents
12 (\$.50) for each administrative service fee remitted by that
13 county or municipality to the department pursuant to the
14 provisions of Section 66-2-16 NMSA 1978;

15 (3) to the state road fund:

16 (a) an amount equal to one-half of each
17 fee received from motorcycle endorsements; and

18 (b) the remainder of each driver's
19 license fee collected by the department employees from an
20 applicant to whom a license is granted after deducting from
21 the driver's license fee the amount of the distribution
22 authorized in Paragraph (1) of this subsection with respect to
23 that collected driver's license fee;

24 (4) to the local governments road fund, the
25 amount of the fees provided for in Subsection A of Section

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1 66-5-408 NMSA 1978;
2 (5) to the division:
3 (a) an amount equal to one-half of each
4 fee received from motorcycle endorsements;
5 (b) an amount equal to two dollars
6 (\$2.00) of each motorcycle registration fee collected pursuant
7 to Section 66-6-1 NMSA 1978; and
8 (c) an amount equal to the fees
9 provided for in Subsection C of Section 66-5-44 NMSA 1978 and
10 Subsection B of Section 66-5-408 NMSA 1978;
11 (6) to the state equalization guarantee
12 distribution made annually pursuant to the general
13 appropriation act, an amount equal to one hundred percent of
14 the driver safety fee collected pursuant to Section 66-5-44
15 NMSA 1978; and
16 (7) to the [~~rubberized asphalt~~] highway
17 infrastructure fund, [~~forty-five percent of~~] all tire
18 recycling fees collected pursuant to the provisions of
19 Sections 66-6-1, 66-6-2, 66-6-4, 66-6-5 and 66-6-8 NMSA 1978
20 [~~and~~
21 ~~(8) to the tire recycling fund, the amount~~
22 ~~remaining, after distributions pursuant to Paragraph (7) of~~
23 ~~this subsection have been made to the rubberized asphalt fund,~~
24 ~~from all annual tire recycling fees collected pursuant to the~~
25 ~~provisions of Sections 66-6-1, 66-6-2, 66-6-4, 66-6-5 and~~

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1 ~~66-6-8 NMSA 1978~~].

2 B. The balance, exclusive of unidentified
3 remittances, after having been reduced by the distributions
4 required by Subsection A of this section, shall be further
5 reduced by a distribution of forty-three percent of the
6 balance to the state road fund, and the remainder of the
7 balance shall be transferred or distributed by the state
8 treasurer on or before the last day of the month next after
9 its receipt, as follows:

10 (1) forty-one and three-tenths percent shall
11 be distributed to the state road fund;

12 (2) seventeen and six-tenths percent shall be
13 transferred to each county in the proportion, determined by
14 the department in accordance with Subsection C of this
15 section, that the registration fees for vehicles in that
16 county are to the total registration fees for vehicles in all
17 counties;

18 (3) seventeen and six-tenths percent shall be
19 transferred to the counties, each county receiving an amount
20 equal to the proportion, determined by the secretary of
21 highway and transportation in accordance with Subsection E of
22 this section, that the mileage of public roads maintained by
23 the county is to the total mileage of public roads maintained
24 by all counties of the state. Amounts distributed to each
25 county in accordance with this paragraph shall be credited to

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1 the respective county road fund and be used for the
2 improvement and maintenance of the public roads in the county
3 and to pay for the acquisition of rights of way and material
4 pits. For this purpose, the board of county commissioners of
5 each of the respective counties shall certify by April 1 of
6 each year to the secretary of highway and transportation the
7 total mileage as of April 1 of that year; provided that in
8 their report, the boards of county commissioners shall
9 identify each of the public roads maintained by them by name,
10 route and location. By agreement and in cooperation with the
11 state highway and transportation department, the boards of
12 county commissioners of the various counties may use or
13 designate any of the funds provided in this paragraph for any
14 federal aid program;

15 (4) nine and four-tenths percent shall be
16 allocated among the counties in the proportion, determined by
17 the department in accordance with Subsection C of this
18 section, that the registration fees for vehicles in that
19 county are to the total registration fees for vehicles in all
20 counties. The amount allocated to each county shall be
21 transferred to the incorporated municipalities within the
22 county in the proportion, determined by the department of
23 finance and administration in accordance with Subsection C of
24 this section, that the sum of net taxable value, as that term
25 is defined in the Property Tax Code, plus the assessed value,

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1 as that term is used in the Oil and Gas Ad Valorem Production
2 Tax Act and in the Oil and Gas Production Equipment Ad Valorem
3 Tax Act, determined for the incorporated municipality is to
4 the sum of net taxable value plus assessed value determined
5 for all incorporated municipalities within the county.

6 Amounts transferred to incorporated municipalities under the
7 provisions of this paragraph shall be used for the
8 construction, maintenance and repair of streets within the
9 municipality and for payment of paving assessments against
10 property owned by federal, county or municipal governments.

11 In any county in which there are no incorporated
12 municipalities, the amount allocated under this paragraph
13 shall be transferred to the county road fund and used in
14 accordance with the provisions of Paragraph (3) of this
15 subsection; and

16 (5) fourteen and one-tenth percent shall be
17 allocated among the counties in the proportion, determined by
18 the department in accordance with Subsection C of this
19 section, that the registration fees for vehicles in that
20 county are to the total registration fees for vehicles in all
21 counties. The amount allocated to each county shall be
22 transferred to the county and incorporated municipalities
23 within the county in the proportion, determined by the
24 department of finance and administration in accordance with
25 Subsection C of this section, that the computed taxes due for

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1 the county and each incorporated municipality within the
2 county bear to the total computed taxes due for the county and
3 incorporated municipalities within the county. For the
4 purposes of this paragraph, the term "computed taxes due" for
5 any jurisdiction means the sum of the net taxable value, as
6 that term is defined in the Property Tax Code, plus the
7 assessed value, as that term is used in the Oil and Gas Ad
8 Valorem Production Tax Act and in the Oil and Gas Production
9 Equipment Ad Valorem Tax Act, for that jurisdiction multiplied
10 by an average of the rates for residential and nonresidential
11 property imposed for that jurisdiction pursuant to Subsection
12 B of Section 7-37-7 NMSA 1978.

13 C. To carry out the provisions of this section,
14 during the month of June of each year:

15 (1) the department shall determine and
16 certify to the department of finance and administration the
17 proportions ~~[which]~~ that the department is required to
18 determine by Subsection B of this section using information
19 for the preceding calendar year on the number of vehicles
20 registered in each county based on the address of the owner or
21 place where the vehicle is principally located, the
22 registration fees for the vehicles registered in each county,
23 the total number of vehicles registered in the state and the
24 total registration fees for all vehicles registered in the
25 state; and

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1 (2) the department of finance and
2 administration shall determine the proportions that the
3 department of finance and administration is required to
4 determine by Subsection B of this section based upon the net
5 taxable value, as that term is defined in the Property Tax
6 Code, and assessed value, as that term is used in the Oil and
7 Gas Ad Valorem Production Tax Act and the Oil and Gas
8 Production Equipment Ad Valorem Tax Act, for the preceding tax
9 year and the tax rates imposed pursuant to Subsection B of
10 Section 7-37-7 NMSA 1978 in the preceding September.

11 D. By June 30 of each year, the department of
12 finance and administration shall determine the appropriate
13 percentage of money to be transferred to each county and
14 municipality for each purpose in accordance with Subsection A
15 of this section based upon the proportions determined by or
16 certified to the department of finance and administration.

17 The percentages determined shall be used to compute the
18 amounts to be transferred to the counties and municipalities
19 during the succeeding fiscal year.

20 E. The board of county commissioners of each of
21 the respective counties shall, by April 1 of every year,
22 certify reports to the secretary of highway and transportation
23 of the total mileage of public roads maintained by each county
24 as of April 1 of every year; provided that in their reports,
25 the boards of county commissioners shall identify each of the

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1 public roads maintained by them by name, route and location.
2 By July 1 of every year, the secretary of highway and
3 transportation shall verify the reports of the counties and
4 revise, if necessary, the total mileage of public roads
5 maintained by each county and the mileage verified by the
6 secretary of highway and transportation shall be the official
7 mileage of public roads maintained by each county.
8 Distribution of amounts to any county for road purposes shall
9 be made in accordance with this section.

10 F. If a county has not made the required mileage
11 certification pursuant to Section 67-3-28.3 NMSA 1978 by April
12 1 of any year, the secretary of highway and transportation
13 shall estimate the mileage maintained by those counties for
14 the purpose of making distribution to all counties, and the
15 amount calculated to be distributed each month to those
16 counties not certifying mileage shall be reduced by one-third
17 each month for that fiscal year and that amount not
18 distributed to those counties shall be distributed equally to
19 all counties that have certified mileages.

20 G. The secretary shall review, at the end of each
21 fiscal year, the aggregate total of motor vehicle transactions
22 performed by each municipality, county or fee agent operating
23 a motor vehicle field office, and for each office exceeding
24 ten thousand aggregate transactions per year, that
25 municipality, county or fee agent shall be paid an additional

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1 one dollar (\$1.00) per identification card, driver's license,
2 registration or title transaction performed during the next
3 fiscal year."

4 Section 6. A new section of Chapter 67, Article 3 NMSA
5 1978 is enacted to read:

6 "[NEW MATERIAL] HIGHWAY INFRASTRUCTURE FUND CREATED--
7 PURPOSE. --

8 A. The "highway infrastructure fund" is created in
9 the state treasury and shall be administered by the
10 department. The fund shall consist of money from various fees
11 and taxes distributed to the fund. Earnings on investment of
12 the fund shall be credited to the fund. Balances in the fund
13 at the end of any fiscal year shall not revert and shall
14 remain in the fund for the purposes authorized in this
15 section.

16 B. Money in the fund shall be used solely for
17 acquisition of rights of way or planning, design, engineering,
18 construction or improvement of state highway projects
19 authorized pursuant to the provisions of Laws 1998, Chapter 84
20 and Subsections C through H of Section 1 of Chapter 85 of Laws
21 1998 and is appropriated to the department for expenditure for
22 those purposes.

23 C. The taxes and fees required by law to be
24 distributed to the highway infrastructure fund may be pledged
25 for the payment of state highway bonds issued pursuant to

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1 Section 67-3-59.1 NMSA 1978 for the highway projects
2 authorized in the laws specified in Subsection B of this
3 section. "

4 Section 7. Section 67-3-59.1 NMSA 1978 (being Laws 1989,
5 Chapter 157, Section 1, as amended) is amended to read:

6 "67-3-59.1. STATE HIGHWAY DEBENTURES--ISSUANCE--
7 LIMITS--APPROVAL--COUPONS.--

8 A. In order to provide funds to finance state
9 highway projects, including state highway projects that are
10 required for the waste isolation pilot project and are
11 eligible for federal reimbursement or payment as authorized by
12 federal legislation, the state highway commission is
13 authorized, subject to the limitations of this section, to
14 issue bonds from time to time, payable from federal funds not
15 otherwise obligated that are paid into the state road fund,
16 the proceeds of the collection of taxes and fees that are
17 required by law to be paid into the state road fund and not
18 otherwise pledged solely to the payment of outstanding bonds
19 and debentures.

20 B. Except as provided in Subsections C and D of
21 this section, the total aggregate outstanding principal amount
22 of bonds issued from time to time pursuant to this section,
23 secured by or payable from federal funds not otherwise
24 obligated that are paid into the state road fund and the
25 proceeds from the collection of taxes and fees required by law

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1 to be paid into the state road fund, shall not, without
2 additional authorization of the state legislature, exceed one
3 hundred fifty million dollars (\$150,000,000) at any given
4 time, subject to the following provisions:

5 (1) the total aggregate outstanding principal
6 amount of bonds issued for state highway projects that are
7 required for the waste isolation pilot project and are
8 eligible for federal reimbursement or payment as authorized by
9 federal legislation shall not exceed one hundred million
10 dollars (\$100,000,000); and

11 (2) the total aggregate outstanding principal
12 amount of bonds issued for state highway projects other than
13 state highway projects that are required for the waste
14 isolation pilot project and are eligible for federal
15 reimbursement or payment as authorized by federal legislation
16 shall not exceed fifty million dollars (\$50,000,000).

17 C. Upon specific authorization and appropriation
18 by the legislature, and subject to the limitations of
19 Subsection D of this section, an additional amount of bonds
20 may be issued pursuant to this section for state highway
21 projects, to be secured by or payable from taxes or fees
22 required by law to be paid into the state road fund, [and]
23 federal funds not otherwise obligated that are paid into the
24 state road fund and, as applicable, taxes or fees required by
25 law to be paid into the highway infrastructure fund, as

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1 follows:

2 (1) an aggregate outstanding principal amount
3 of bonds, not to exceed six hundred twenty-four million
4 dollars (\$624,000,000), for major highway infrastructure
5 projects for which the [~~state highway and transportation~~]
6 department has, prior to January 1, 1998, submitted or
7 initiated the process of submitting a plan to the federal
8 highway administration for innovative financing pursuant to 23
9 USCA Sections 122 and 307;

10 (2) an aggregate outstanding principal amount
11 of bonds, not to exceed one hundred million dollars
12 (\$100,000,000), for state highway projects that are required
13 for the waste isolation pilot project and are eligible for
14 federal reimbursement; and

15 (3) an aggregate outstanding principal amount
16 of bonds, not to exceed four hundred million dollars
17 (\$400,000,000), for other state highway projects.

18 D. The total amount of bonds that may be issued by
19 the state highway commission for state highway projects
20 pursuant to Subsection C of this section shall not exceed a
21 total aggregate outstanding principal amount of:

22 (1) three hundred million dollars
23 (\$300,000,000) prior to July 1, 1999;

24 (2) six hundred million dollars
25 (\$600,000,000) from July 1, 1999 through June 30, 2000;

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1 (3) nine hundred million dollars
2 (\$900,000,000) from July 1, 2000 through June 30, 2001; and

3 (4) one billion one hundred twenty-four
4 million dollars (\$1,124,000,000) after June 30, 2001.

5 E. The state highway commission may issue bonds to
6 refund other bonds issued pursuant to this section by exchange
7 or current or advance refunding.

8 F. Each series of bonds shall have a maturity of
9 no more than twenty-five years from the date of issuance. The
10 state highway commission shall determine all other terms,
11 covenants and conditions of the bonds; provided that the bonds
12 shall not be issued pursuant to this section unless the state
13 board of finance approves the issuance of the bonds and the
14 principal amount of and interest rate or maximum net effective
15 interest rate on the bonds.

16 G. The bonds shall be executed with the manual or
17 facsimile signature of the chairman of the state highway
18 commission, countersigned by the state treasurer and attested
19 to by the secretary of the state highway commission, with the
20 seal of the state highway commission imprinted or otherwise
21 affixed to the bonds.

22 H. Proceeds of the bonds may be used to pay
23 expenses incurred in the preparation, issuance and sale of the
24 bonds and, together with the earnings on the proceeds of the
25 bonds, may be used to pay rebate, penalty, interest and other

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1 obligations relating to the bonds and the proceeds of the
2 bonds under the Internal Revenue Code of 1986, as amended.

3 I. The bonds may be sold at a public or negotiated
4 sale at, above or below par or through the New Mexico finance
5 authority. Any negotiated sale shall be made with one or more
6 investment banker whose services are obtained through a
7 competitive proposal process. For any sale, the state highway
8 commission or the New Mexico finance authority shall also
9 procure the services of any financial advisor or bond counsel
10 through a competitive proposal process. If sold at public
11 sale, a notice of the time and place of sale shall be
12 published in a newspaper of general circulation in the state,
13 and in any other newspaper determined in the resolution
14 authorizing the issuance of the bonds, once each week for two
15 consecutive weeks prior to the date of sale. The bonds may be
16 purchased by the state treasurer or state investment officer.

17 J. This section is full authority for the issuance
18 and sale of the bonds, and the bonds shall not be invalid for
19 any irregularity or defect in the proceedings for their
20 issuance and sale and shall be incontestable in the hands of
21 bona fide purchasers or holders of the bond for value.

22 K. The bonds shall be legal investments for any
23 person or board charged with the investment of public funds
24 and may be accepted as security for any deposit of public
25 money and, with the interest thereon, are exempt from taxation

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1 by the state and any political subdivision or agency of the
2 state.

3 L. Any law authorizing the imposition or
4 distribution of taxes or fees paid into the state road fund or
5 the highway infrastructure fund or that affects those taxes
6 and fees shall not be amended or repealed or otherwise
7 directly or indirectly modified so as to impair any
8 outstanding bonds secured by a pledge of revenues from those
9 taxes and fees paid into the state road fund or the highway
10 infrastructure fund, unless the bonds have been discharged in
11 full or provisions have been made for a full discharge. In
12 addition, while any bonds issued by the state highway
13 commission pursuant to the provisions of this section remain
14 outstanding, the powers or duties of the commission shall not
15 be diminished or impaired in any manner that will affect
16 adversely the interests and rights of the holder of such
17 bonds.

18 M Bonds issued pursuant to this section shall be
19 paid solely from federal funds not otherwise obligated and
20 taxes and fees deposited into the state road fund and, as
21 applicable, the highway infrastructure fund, shall not
22 constitute a general obligation of the state."

23 Section 8. Laws 1995, Chapter 6, Section 23 is amended
24 to read:

25 "Section 23. EFFECTIVE DATE. --

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A. The effective date of the provisions of Sections 10 and 12 through 14 of this act is July 1, 1995.

B. The effective date of the provisions of Sections 1 through 9 and 21 of this act is August 1, 1995.

~~[C. The effective date of the provisions of Section 11 of this act is July 1, 2003 or the July 1 or January 1 immediately following any earlier date on which the obligations for payment of principal and interest on the series 1993 state highway debentures have been defeased.]"~~

Section 9. REPEAL. -- Laws 1995, Chapter 6, Section 11 is repealed.

Section 10. EFFECTIVE DATES. --

A. The effective date of the provisions of Sections 3 through 7 of this act is July 1, 1999.

B. The effective date of the provisions of Section 1 of this act is August 1, 1999.

C. The effective date of the provisions of Section 2 of this act is August 1, 2003.

Section 11. EMERGENCY. -- It is necessary for the public peace, health and safety that this act take effect immediately.

1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999
3
4

5 February 23, 1999
6

7
8 Mr. President:

9
10 Your CORPORATIONS & TRANSPORTATION COMMITTEE, to
11 whom has been referred

12
13 SENATE BILL 590
14

15 has had it under consideration and reports same with
16 recommendation that it DO PASS, and thence referred to the
17 FINANCE COMMITTEE.

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19 Respectfully submitted,
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Roman M. Maes, Chairman

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Adopted _____ Not

Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 6 For 0 Against

Yes: 6

No: 0

Excused: Kidd, Macias, McKibben, Robinson

Absent: None

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1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

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6 March 1, 1999

7
8 Mr. President:

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10 Your FINANCE COMMITTEE, to whom has been referred

11
12 SENATE BILL 590

13
14 has had it under consideration and reports same with
15 recommendation that it DO PASS.

16
17
18 Respectfully submitted,

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22
23 _____
24 Ben D. Altamirano, Chairman

25 . 126943. 2

Adopted _____ Not

1 Adopted _____

2 (Chief Clerk)

(Chief Clerk)

3

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6 Date _____

7

8

9 The roll call vote was 7 For 0 Against

10 Yes: 7

11 No: 0

12 Excused: Carraro, Eisenstadt, Ingle, Lyons, McKibben, Tsosie

13 Absent: None

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16 S0590FC1

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FORTY- FOURTH LEGISLATURE

FIRST SESSION

March 2, 1999

SENATE FLOOR AMENDMENT number _____ to SENATE BILL 590, as amended

Amendment sponsored by Senator Manny M Aragon

1. On page 20, between lines 17 and 18, insert the following new subsection:

"M In contracting for state highway projects to be paid in whole or in part with proceeds of bonds authorized by this section, the state highway and transportation department shall require that any sand, gravel, caliche or similar material needed for the project shall, if practicable, be mined from state lands. Each contract shall provide that the contractor notify the commissioner of public lands of the need for the material and that, through lease or purchase, the material will

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FORTY- FOURTH LEGISLATURE
FIRST SESSION

SF1/SB 590, aa

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be mined from state lands if:

(1) the material needed is available from state lands in the vicinity of the project;

(2) the commissioner determines that the lease or purchase is in the best interest of the state land trust beneficiaries; and

(3) the cost to the contractor for the material, including the costs of transportation, is competitive with other available material from non-state lands. "

2. Reletter the succeeding subsection accordingly.

FORTY- FOURTH LEGISLATURE
FIRST SESSION

SF1/SB 590, aa

Page 28

Manny M Aragon

Adopted _____ Not Adopted

(Chief Clerk)

(Chief Clerk)

Date _____

1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999
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6 March 15, 1999
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8 Mr. Speaker:
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10 Your TAXATION AND REVENUE COMMITTEE, to whom has
11 been referred
12

13 SENATE BILL 590, as amended
14

15 has had it under consideration and reports same with
16 recommendation that it DO PASS.

17 Respectfully submitted,
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21 _____
22 Jerry W. Sandel, Chairman
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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

HTRC/SB 590a

Page 30

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 8 For 3 Against

Yes: 8

No: Gubbels, Hawkins, Russell

Excused: Burpo, Lujan, Sandoval, Silva

Absent: None

J: \99BillSWP\S0590

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