

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

AN ACT

RELATING TO CAPITAL OUTLAY; PROVIDING FOR AN ALTERNATE FISCAL  
AGENT; DECLARING AN EMERGENCY.

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

Section 1. Section 6-21-6.12 NMSA 1978 (being Laws 2007  
(1st S.S.), Chapter 3, Section 2) is amended to read:

"6-21-6.12. LOCAL GOVERNMENT TRANSPORTATION FUND--  
CREATED--DISTRIBUTIONS.--

A. The "local government transportation fund" is  
created within the authority. The fund shall be administered  
by the authority as a separate account, but may consist of  
subaccounts if the authority deems them necessary to carry  
out the purpose of the fund. The fund shall consist of  
general fund appropriations and severance tax bond proceeds  
appropriated to the fund and, except as provided in  
Subsection E of this section, all earnings of the fund.

B. Except as provided in Subsection D of this  
section, upon certification by the department of  
transportation that a project has been approved for payment  
and upon compliance with the requirements of this section,  
money in the fund shall be distributed to local governments  
for projects specifically authorized by the legislature. The  
authority shall issue payment to the local government named  
in the project application and certification or to the

1 federal department of transportation, acting as the fiscal  
2 agent for the local government.

3 C. Except as provided in Subsection D of this  
4 section, distributions from the fund shall be made pursuant  
5 to the following criteria:

6 (1) projects shall be funded in the order  
7 that a completed application from a local government is  
8 received if the application shows, to the satisfaction of the  
9 department, that the project is ready to proceed and that the  
10 local government has, or will timely have, the required match  
11 for the distribution;

12 (2) distributions from the fund shall be  
13 used to pay no more than the state's portion of the total  
14 cost necessary to develop and construct the project as  
15 presented in the approved application;

16 (3) to qualify for funding, a local  
17 government shall apply for funding through the department of  
18 transportation's regional or metropolitan planning  
19 organizations;

20 (4) a local government shall show, to the  
21 satisfaction of the department of transportation, that it  
22 will match the distribution from the local government  
23 transportation fund in the following amounts:

24 (a) for a project with a total cost of  
25 less than five hundred thousand dollars (\$500,000), the local

1 government shall contribute ten percent of the total project  
2 cost;

3 (b) for a project with a total cost of  
4 five hundred thousand dollars (\$500,000) or greater, but less  
5 than or equal to one million dollars (\$1,000,000), the local  
6 government shall contribute twenty percent of the total  
7 project cost;

8 (c) for a project with a total cost  
9 greater than one million dollars (\$1,000,000), but less than  
10 or equal to six million dollars (\$6,000,000), the local  
11 government shall contribute thirty-five percent of the total  
12 project cost; and

13 (d) for a project with a total project  
14 cost greater than six million dollars (\$6,000,000), the local  
15 government shall contribute forty-five percent of the total  
16 project cost; and

17 (5) in determining the sufficiency of a  
18 local government's matching contribution, the department  
19 shall consider actual funds, in-kind contributions,  
20 preconstruction design and development costs and other  
21 related expenditures made in the furtherance of the project.  
22 Matching fund sources may be any money available to the local  
23 government for the project, including:

24 (a) grants or loans by the authority  
25 from the local transportation infrastructure fund;

- 1 (b) appropriations from local  
2 government road funds;  
3 (c) community development block grants;  
4 and  
5 (d) available federal funds.

6 D. Notwithstanding the requirements of Subsections  
7 B and C of this section, up to five hundred thousand dollars  
8 (\$500,000) of the fund may be expended by the department of  
9 transportation for engineering and design services to develop  
10 the projects funded with distributions from the fund without  
11 a requirement for a local match.

12 E. Earnings from investing the fund are subject to  
13 appropriation by the legislature to the department of  
14 transportation to be used for payment of administrative costs  
15 associated with the fund, including payment for engineering  
16 costs.

17 F. As used in this section:

18 (1) "fund" means the local government  
19 transportation fund; and

20 (2) "local government" means a municipality  
21 acting within its planning and platting jurisdiction, a  
22 county or an Indian nation, tribe or pueblo."

23 Section 2. EMERGENCY.--It is necessary for the public  
24 peace, health and safety that this act take effect  
25 immediately.

---