

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

SENATE BILL 79

49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010

INTRODUCED BY

Pete Campos

FOR THE LEGISLATIVE FINANCE COMMITTEE

AN ACT

RELATING TO PUBLIC MONEY; REQUIRING CAPITAL OUTLAY EXPENDITURES TO RECEIVE THE SAME SCRUTINY AS OPERATIONAL EXPENDITURES; CREATING THE CAPITAL OUTLAY PLANNING AND MONITORING DIVISION IN THE DEPARTMENT OF FINANCE AND ADMINISTRATION; CREATING A JOINT PERMANENT LEGISLATIVE CAPITAL OUTLAY REVIEW COMMITTEE; PROVIDING POWERS AND DUTIES; PROVIDING STAFF; MAKING TRANSFERS; RECONCILING MULTIPLE AMENDMENTS TO THE SAME SECTION OF LAW IN LAWS 2001; MAKING AN APPROPRIATION.

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

Section 1. [NEW MATERIAL] CAPITAL OUTLAY REVIEW COMMITTEE CREATED--MEMBERSHIP--APPOINTMENT--VACANCIES.--

A. The "capital outlay review committee" is created as a permanent joint interim legislative committee. The committee shall be composed of nine members from the house of

underscoring material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 representatives and nine members from the senate appointed by
2 the New Mexico legislative council. The council shall draw
3 members from the legislative finance committee, and,
4 notwithstanding the provisions of Subsection D of Section 2-3-3
5 NMSA 1978, the committee may include members of the New Mexico
6 legislative council. The members of the capital outlay review
7 committee shall be appointed from each house so as to give the
8 two political parties having the most members in each house the
9 same total proportionate representation on the committee as
10 prevails in that house; provided that in the computation, major
11 fractions shall be counted as whole numbers, and in no event
12 shall either of the two major parties have less than one member
13 from each house. The members shall serve for terms of two
14 years or less expiring on the first day of the regular session
15 held in odd-numbered years. A member may be removed from the
16 committee by the New Mexico legislative council for
17 nonattendance according to New Mexico legislative council
18 policy.

19 B. No action shall be taken by the committee if a
20 majority of the total membership from either house on the
21 council rejects such action.

22 C. For the forty-ninth legislature, the chairperson
23 shall be a senate member and the vice chairperson shall be a
24 house member.

25 Section 2. [NEW MATERIAL] SUBCOMMITTEES.--Subcommittees

.180713.1

underscoring material = new
[bracketed material] = delete

1 may be created only by majority vote of all members appointed
2 to the capital outlay review committee. A subcommittee shall
3 be composed of at least one member from the house of
4 representatives and one member from the senate, and at least
5 one member of the minority party shall be a member of the
6 subcommittee. All meetings and expenditures of a subcommittee
7 shall be approved by the full committee in advance of the
8 meeting or expenditure, and the approval shall be shown in the
9 minutes of the committee.

10 Section 3. [NEW MATERIAL] CAPITAL OUTLAY REVIEW COMMITTEE
11 DUTIES.--

12 A. The capital outlay review committee shall:

13 (1) oversee functions and processes of the
14 capital outlay planning and monitoring division of the
15 department of finance and administration and the several state
16 agencies that propose or review capital project requests
17 pursuant to the Capital Outlay Planning and Monitoring Act;

18 (2) adopt standards and guidelines for
19 evaluating requests for capital project funding, including
20 consideration of how singular projects fit in with the state
21 capital improvements plan;

22 (3) adopt a standard capital project request
23 form that includes the information required by staff and the
24 committee to evaluate requests;

25 (4) prioritize capital project requests

.180713.1

underscoring material = new
[bracketed material] = delete

1 received from the capital outlay planning and monitoring
2 division and legislators based on the standards and guidelines
3 and make recommendations to the legislature for funding the
4 prioritized projects;

5 (5) require periodic reports from state
6 agencies, institutions, instrumentalities and political
7 subdivisions that receive funding for state and local capital
8 projects to ensure that:

9 (a) funded capital projects are
10 implemented in a cost-effective manner and consistent with the
11 purpose of the appropriation;

12 (b) funded capital projects are
13 proceeding in a timely manner; and

14 (c) money is reverted to the funding
15 source of the capital project in a timely manner;

16 (6) conduct ongoing reviews of state and local
17 infrastructure capital improvements plans and report to the
18 legislature;

19 (7) directly or through its staff participate
20 in hearings held by the capital outlay planning and monitoring
21 division and other hearings held by state agencies responsible
22 for reviewing capital project proposals and planning; and

23 (8) perform such other duties as it deems
24 necessary or that are assigned to it by the New Mexico
25 legislative council.

.180713.1

underscored material = new
[bracketed material] = delete

1 B. Unless otherwise provided by law, the following
2 proposed projects are exempt from committee review, though not
3 from consideration of the projects in relation to the annual
4 and five-year state capital improvements plan:

5 (1) capital projects funded pursuant to the
6 Public School Capital Outlay Act;

7 (2) department of transportation road projects
8 funded in whole or in part by federal highway funding;

9 (3) capital projects that will be funded by
10 loans or grants from the New Mexico Finance Authority Act and
11 not from the general fund; and

12 (4) capital projects authorized by the
13 legislature that are specifically excluded by law from the
14 committee's review.

15 Section 4. [NEW MATERIAL] STAFF.--

16 A. The staff for the capital outlay review
17 committee shall be provided by the legislative council service
18 and the legislative finance committee.

19 B. The legislative council service and the
20 legislative finance committee may, subject to legislative
21 appropriation:

22 (1) appoint and employ such professional,
23 technical and clerical assistance as they and the committee
24 deem necessary to carry out the duties of the committee; and

25 (2) enter into contracts for professional,

.180713.1

underscored material = new
[bracketed material] = delete

1 technical or clerical assistance as necessary.

2 Section 5. [NEW MATERIAL] INTERAGENCY COOPERATION.--

3 A. Each agency, institution and instrumentality of
4 the state and its political subdivisions shall, upon request,
5 assist the capital outlay review committee in carrying out its
6 duties.

7 B. The agencies that fund exempt capital projects
8 or that approve capital project funding that has not been
9 evaluated by the committee, including community development
10 projects, public school facilities authority projects,
11 transportation projects and loan or grant fund projects, shall
12 provide timely reports to the committee that describe those
13 projects and provide funding amounts and other information
14 requested by the committee to ensure interagency coordination
15 in the evaluation, funding and monitoring of capital projects.

16 Section 6. [NEW MATERIAL] AUDITS.--The committee may
17 request the legislative finance committee, the state auditor or
18 the capital outlay planning and monitoring division of the
19 department of finance and administration to conduct financial,
20 compliance or performance audits on any capital project.

21 Section 7. [NEW MATERIAL] SHORT TITLE--CAPITAL OUTLAY
22 PLANNING AND MONITORING ACT.--Sections 7 through 13 of this act
23 may be cited as the "Capital Outlay Planning and Monitoring
24 Act".

25 Section 8. [NEW MATERIAL] DEFINITIONS.--As used in the

.180713.1

underscored material = new
[bracketed material] = delete

1 Capital Outlay Planning and Monitoring Act:

2 A. "capital project" means the acquisition, repair,
3 alteration, demolition, renovation, construction or
4 reconstruction of a public building or other public works owned
5 by the state or a political subdivision, including planning and
6 design and including professional engineering, surveying,
7 architectural and landscape architectural services directly
8 related to the capital project; purchase of land for a public
9 building or other public works; site improvements to public
10 property; purchase and installation of equipment of a long-term
11 nature for a public building or other public works; purchase of
12 furniture as part of a renovation or construction of a public
13 building; purchase of motor vehicles or heavy equipment with a
14 life expectancy of five years or more; and hardware and
15 software for voice, radio, video and data communications; and

16 B. "division" means the capital outlay planning and
17 monitoring division of the department of finance and
18 administration.

19 Section 9. [NEW MATERIAL] DIVISION CREATED--POWERS AND
20 DUTIES.--

21 A. The "capital outlay planning and monitoring
22 division" is created in the department of finance and
23 administration. The division shall:

24 (1) direct capital project planning for the
25 executive branch, for state institutions and for political

.180713.1

underscored material = new
[bracketed material] = delete

1 subdivisions that seek state funding for capital projects,
2 either directly or through coordination with other responsible
3 state and local agencies;

4 (2) coordinate with the New Mexico finance
5 authority, the New Mexico mortgage finance authority and
6 federal agencies that provide capital project funding for local
7 governments, other eligible entities and rural areas;

8 (3) work with state agencies, state
9 institutions, political subdivisions and the legislature to
10 develop priorities to be funded through the legislature's
11 capital outlay process;

12 (4) make recommendations to the governor on
13 capital projects to be proposed for funding by the legislature;

14 (5) oversee, either directly or through other
15 responsible state agencies, all state-funded capital projects
16 to ensure timely execution of approved capital projects, proper
17 expenditures of state funding and timely reversion of
18 unexpended balances;

19 (6) develop procedures to ensure current and
20 complete accounting and reporting on capital projects;

21 (7) maintain a central database on capital
22 projects that includes the up-to-date fiscal and programmatic
23 status of each capital project;

24 (8) identify stagnant capital projects that
25 should be deauthorized or capital projects that have been

.180713.1

underscored material = new
[bracketed material] = delete

1 completed and fund balances that should be reverted;

2 (9) provide training and assistance to state
3 agencies and political subdivisions on planning, budgeting and
4 administration of capital projects, including proper accounting
5 and monitoring and completion of capital projects within
6 statutory deadlines and the reversion of unexpended funds as
7 required by law; and

8 (10) work with the board of finance division
9 of the department of finance and administration to ensure that
10 capital projects authorized by the legislature are properly
11 certified for the issuance of bonds and to ensure that capital
12 projects proceed in a timely manner and meet federal and state
13 requirements.

14 B. The division may conduct financial, compliance
15 and performance audits on capital projects on its own or in
16 conjunction with the state auditor or legislative committees.

17 C. All state agencies shall assist the division as
18 required for the division to carry out its duties.

19 Section 10. [NEW MATERIAL] PLANNING COMMITTEE.--

20 A. The "executive capital planning committee" is
21 created as an interagency and intergovernmental planning and
22 coordination committee to assist the division in carrying out
23 its duties. The committee shall include employees of the
24 following agencies who have direct responsibility for planning
25 or overseeing capital projects for their agencies:

.180713.1

underscoring material = new
[bracketed material] = delete

- 1 (1) the property control division of the
- 2 general services department;
- 3 (2) the capitol buildings planning commission;
- 4 (3) the cultural affairs department;
- 5 (4) the department of transportation;
- 6 (5) the local government division of the
- 7 department of finance and administration;
- 8 (6) the department of environment;
- 9 (7) the aging and long-term services
- 10 department;
- 11 (8) the higher education department;
- 12 (9) the public school facilities authority;
- 13 (10) the New Mexico finance authority;
- 14 (11) the New Mexico mortgage finance
- 15 authority; and
- 16 (12) the directors of the councils of
- 17 governments.

18 B. The division shall invite representatives of
19 federal agencies that provide loans and grants to New Mexico
20 communities for infrastructure and other capital projects to
21 participate in meetings of the committee and may invite other
22 participants as it deems necessary.

23 C. The division shall not pay per diem and mileage
24 or any other compensation, perquisite or allowance to members
25 of the committee for service in the committee.

.180713.1

underscored material = new
[bracketed material] = delete

1 D. The committee shall assist the division in
2 capital planning and the development of the state capital
3 improvements plan.

4 Section 11. [NEW MATERIAL] STATE CAPITAL IMPROVEMENTS
5 PLAN.--

6 A. The division and the property control division
7 of the general services department shall, with the assistance
8 of the committee, prepare and annually update a five-year
9 "state capital improvements plan" that details the major
10 capital projects recommended to be undertaken by the state or
11 to be undertaken with state aid or under state regulation. The
12 plan shall:

13 (1) include an economic forecast and a
14 discussion of economic activities that bear on the need for
15 state or local infrastructure and how completed capital
16 projects have changed the prior-year plan;

17 (2) classify capital projects with respect to
18 urgency and need for realization;

19 (3) recommend a time sequence for construction
20 or purchase of specific capital projects;

21 (4) contain an estimated cost of each capital
22 project, as well as the probable operating and maintenance
23 costs of each project;

24 (5) identify any revenue that will be
25 generated by a capital project;

.180713.1

underscored material = new
[bracketed material] = delete

1 (6) identify existing or additional sources of
2 funds needed for construction and operation of each capital
3 project;

4 (7) identify the owner of every capital
5 project; and

6 (8) provide other information for any capital
7 project or for the state capital improvements plan as
8 determined by the division.

9 B. All capital project recommendations of the
10 executive shall be based on the state capital improvements
11 plan.

12 Section 12. [NEW MATERIAL] CAPITAL PROJECT REQUESTS--
13 GUIDELINES--INFRASTRUCTURE CAPITAL IMPROVEMENTS PLANS--
14 SUBMISSION TO DIVISION.--

15 A. By January 15 of each year, the division shall
16 publish capital project guidelines to be followed by all state
17 agencies and political subdivisions that plan to seek partial
18 or full funding for any capital project in next year's
19 legislative session.

20 B. The guidelines shall include provisions to guide
21 state agencies that review capital project requests or
22 infrastructure capital improvements plans from state agencies
23 and infrastructure capital improvements plans from political
24 subdivisions. The state capital improvements plan and each
25 political subdivision's infrastructure capital improvements

.180713.1

underscored material = new
[bracketed material] = delete

1 plan shall be updated each year.

2 C. The review guidelines shall include:

3 (1) requirements for political subdivision
4 infrastructure capital improvements plans to be submitted to
5 appropriate state agencies;

6 (2) requirements for analyzing immediate and
7 future needs of the state, regions of the state and localities;
8 and

9 (3) requirements for analyzing requests in
10 light of:

11 (a) critical needs of the state,
12 including political subdivisions;

13 (b) the necessity of the capital project
14 to meet a critical need;

15 (c) the necessity of the capital project
16 to address a health and safety concern;

17 (d) the capital project's priority on
18 either the state capital improvements plan or a local
19 infrastructure capital improvements plan;

20 (e) the ability to phase the capital
21 project, if necessary, and the availability of funding to
22 complete at least one full, workable capital project phase;

23 (f) the ability of the ultimate
24 governmental recipient to provide necessary and adequate staff
25 and funding for operations and maintenance for the capital

.180713.1

underscoring material = new
[bracketed material] = delete

1 project;

2 (g) the expected useful life of the
3 capital project;

4 (h) the available alternatives to the
5 capital project as requested;

6 (i) consideration of whether a
7 renovation project will forestall substantial capital outlay
8 costs in the short and long terms;

9 (j) the availability of sources other
10 than state funding for the capital project, including matching
11 funds;

12 (k) the most appropriate funding sources
13 for types of capital projects; and

14 (l) other considerations determined by
15 the division, after consultation with the executive capital
16 planning committee and the legislative capital outlay review
17 committee.

18 D. By May 1 of each year, all infrastructure
19 capital improvements plans are due to state agencies, as
20 follows:

21 (1) local government plans are due to the
22 local government division of the department of finance and
23 administration;

24 (2) water and wastewater plans that are
25 developed by special districts or that are separate from a

.180713.1

underscoring material = new
[bracketed material] = delete

1 municipal or county infrastructure capital improvements plan
2 are due to the department of environment;

3 (3) regional plans that involve more than one
4 local government are due to the local government division;

5 (4) area agency on aging or local aging
6 program plans are due to the aging and long-term services
7 department;

8 (5) public post-secondary educational
9 institution plans are due to the higher education department;

10 (6) state museums and state monuments plans
11 are due to the cultural affairs department;

12 (7) state agency plans for state agencies
13 under the jurisdiction of the property control division of the
14 general services department are due to the property control
15 division;

16 (8) state and local government plans required
17 by the capitol buildings planning commission are due to the
18 capitol buildings planning commission; and

19 (9) New Mexico state fair, state parks
20 division of the energy, minerals and natural resources
21 department, state armory board, New Mexico school for the deaf,
22 New Mexico school for the blind and visually impaired, judicial
23 and any other capital improvement plans or capital project
24 requests that are not specifically assigned to another state
25 agency are due to the division.

.180713.1

underscored material = new
[bracketed material] = delete

1 E. All state agencies that are responsible for
2 reviewing capital project requests shall submit their
3 recommendations to the division by August 1 of each year.

4 F. The division shall review the recommendations
5 and hold hearings on the recommendations by September 15 of
6 each year. The division shall report its findings to the
7 governor and the capital outlay review committee by October 1
8 of each year. The division's report to the capital outlay
9 review committee shall include proposed changes to the state
10 capital improvements plan and a listing of all capital project
11 requests received, findings of each reviewing agency and
12 findings of the division.

13 G. The division shall publish the annual state
14 capital improvements plan, an abstract of which shall be
15 included in the executive budget recommendations for the
16 following fiscal year.

17 Section 13. [NEW MATERIAL] CAPITAL PROJECT AUDIT FUND--
18 CREATED--AUDITS--FEES.--

19 A. The "capital project audit fund" is created as a
20 nonreverting fund in the state treasury. The fund consists of
21 appropriations, transfers of the administrative fee provided in
22 Subsection B of this section and any other money credited to
23 the fund. The legislature shall appropriate money in the fund
24 to the state auditor's office and the legislative finance
25 committee to conduct agreed-upon procedures for audits on any

.180713.1

underscoring material = new
[bracketed material] = delete

1 capital projects to ensure compliance with federal laws,
2 internal revenue service rules pertaining to the issuance and
3 use of tax-exempt bonds, other pertinent federal regulations,
4 state laws and any pertinent rules adopted by the state
5 treasurer, board of finance division of the department of
6 finance and administration, state auditor or other state
7 agency.

8 B. An audit fee of no more than two-tenths of one
9 percent of the total of each year's capital projects
10 appropriations and bond authorizations, including general
11 obligation bond authorizations, realized by a proportionate
12 reduction of each appropriation or bond authorization, shall be
13 set aside to fund capital project audits.

14 C. The division shall assist in the identification
15 of capital projects to be audited.

16 Section 14. Section 6-21-31 NMSA 1978 (being Laws 1992,
17 Chapter 61, Section 31) is amended to read:

18 "6-21-31. POWERS AND DUTIES.--The New Mexico finance
19 authority oversight committee shall:

20 A. monitor and oversee the operation of the New
21 Mexico finance authority;

22 B. meet on a regular basis to receive and review
23 reports from the authority on implementation of the provisions
24 of the New Mexico Finance Authority Act and to review and
25 approve [~~regulations proposed~~] rules for adoption pursuant to

.180713.1

underscored material = new
[bracketed material] = delete

1 that act;

2 C. monitor and provide assistance and advice on the
3 public project financing program of the New Mexico finance
4 authority;

5 ~~[D. oversee and monitor state and local government~~
6 ~~capital planning and financing and take testimony from state~~
7 ~~and local officials on state and local capital needs;~~

8 ~~E. provide advice and assistance to the New Mexico~~
9 ~~finance authority and cooperate with the executive branch of~~
10 ~~state government and local governments on planning, setting~~
11 ~~priorities for and financing of state and local capital~~
12 ~~projects;~~

13 ~~F.]~~ D. undertake an ongoing examination of the
14 statutes, constitutional provisions, ~~[regulations]~~ rules and
15 court decisions governing state and local government capital
16 financing in New Mexico; and

17 ~~[G.]~~ E. report its findings and recommendations,
18 including recommended legislation or necessary changes, to the
19 governor and to each session of the legislature. The report
20 and proposed legislation shall be made available on or before
21 December 15 each year."

22 Section 15. Section 7-27-12 NMSA 1978 (being Laws 1961,
23 Chapter 5, Section 10, as amended by Laws 2001, Chapter 37,
24 Section 1 and by Laws 2001, Chapter 338, Section 1) is amended
25 to read:

.180713.1

underscored material = new
[bracketed material] = delete

1 "7-27-12. WHEN SEVERANCE TAX BONDS TO BE ISSUED.--

2 A. The state board of finance shall issue and sell
3 all severance tax bonds when authorized to do so by any law
4 that sets out the amount of the issue and the recipient of the
5 money.

6 B. The state board of finance shall also issue and
7 sell severance tax bonds authorized by Sections 72-14-36
8 through 72-14-42 NMSA 1978, and such authority as has been
9 given to the interstate stream commission to issue and sell
10 such bonds is transferred to the state board of finance. The
11 state board of finance shall issue and sell all severance tax
12 bonds only when so instructed by resolution of the governing
13 body or by written direction from an authorized officer of the
14 recipient of the bond money.

15 C. Except as provided in Subsection D of this
16 section, proceeds from supplemental severance tax bonds shall
17 be used only for public school capital outlay projects pursuant
18 to the Public School Capital Outlay Act or the Public School
19 Capital Improvements Act.

20 D. Proceeds from supplemental severance tax bonds
21 issued pursuant to Paragraph (2) of Subsection A of Section 19
22 of Chapter 6 of Laws 1999 (1st S.S.) shall be used for the
23 purposes specified in that paragraph.

24 E. Except as provided in Subsection F of this
25 section, the state board of finance shall issue and sell all

.180713.1

underscored material = new
[bracketed material] = delete

1 supplemental severance tax bonds when so instructed by
2 resolution of the public school capital outlay council pursuant
3 to Section 7-27-12.2 NMSA 1978.

4 F. The state board of finance shall issue and sell
5 supplemental severance tax bonds authorized by Paragraph (2) of
6 Subsection A of Section 19 of Chapter 6 of Laws 1999 (1st S.S.)
7 when so instructed by resolution of the [~~commission on~~] higher
8 education department.

9 G. The state board of finance shall deduct two-
10 tenths of one percent from the proceeds of severance tax bonds
11 sold in any year for capital projects; provided that this
12 provision does not apply to severance tax bonds issued pursuant
13 to Subsections B through F of this section. The money deducted
14 shall be credited to the capital project audit fund to conduct
15 audits of capital projects funded with state funds."

16 Section 16. Section 9-6-1 NMSA 1978 (being Laws 1977,
17 Chapter 247, Section 1) is amended to read:

18 "9-6-1. SHORT TITLE.--Sections [~~1 through 7 of this act~~]
19 9-6-1 through 9-6-5.1 and 9-6-15 NMSA 1978 may be cited as the
20 "Department of Finance and Administration Act"."

21 Section 17. Section 9-6-3 NMSA 1978 (being Laws 1977,
22 Chapter 247, Section 3, as amended) is amended to read:

23 "9-6-3. DEPARTMENT OF FINANCE AND ADMINISTRATION--
24 CREATION--TRANSFER AND MERGER OF DIVISION FUNCTIONS--MERGER AND
25 CREATION OF DIVISIONS.--

.180713.1

underscored material = new
[bracketed material] = delete

1 A. The "department of finance and administration"
2 is created. The department shall consist of those divisions
3 created by law or executive order, as modified by executive
4 order pursuant to Subsection C of this section, including but
5 not limited to:

- 6 (1) the board of finance division;
7 (2) the financial control division;
8 (3) the local government division;
9 (4) the management and contracts review
10 division; [~~and~~]
11 (5) the state budget division; and
12 (6) the capital outlay planning and monitoring
13 division.

14 B. The secretary is empowered to organize the
15 department and the divisions thereof specified in Subsection A
16 of this section and may transfer or merge functions between
17 divisions in the interest of efficiency and economy.

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

21 Section 18. Section 9-6-5.1 NMSA 1978 (being Laws 1983,
22 Chapter 296, Section 7) is amended to read:

23 "9-6-5.1. PLANNING POWERS AND DUTIES OF SECRETARY OF
24 FINANCE AND ADMINISTRATION.--The secretary of [~~the department~~
25 ~~of~~] finance and administration, in addition to the other powers

.180713.1

underscored material = new
[bracketed material] = delete

1 and duties conferred:

2 A. shall review federal grant applications and
3 provide management assistance;

4 B. shall coordinate, in accordance with directives
5 from the governor's office of policy and planning, state agency
6 plans for economic, natural resource, energy resource and human
7 resource development;

8 C. shall provide aid to planning and development
9 districts in developing grant proposals and cooperate with
10 other local entities in developing grant proposals;

11 ~~[D. shall acquire, study and review all plans for~~
12 ~~capital projects proposed by state agencies and render advice~~
13 ~~on the plans. The secretary shall maintain long-range estimates~~
14 ~~and plans for capital projects and develop standards for~~
15 ~~measuring the need for and utility of proposed projects;~~

16 E.] D. may contract for, receive and ~~[utilize]~~ use
17 any grants or other financial assistance made available by the
18 United States government or by any other source, public or
19 private;

20 ~~[F.]~~ E. may provide planning and funding assistance
21 to units of local government, council of government
22 organizations, Indian tribal governments situated within New
23 Mexico and ~~[to]~~ nonprofit entities having for their purpose
24 local, regional or community betterment. The secretary,
25 incident to any such programs, may enter into contracts and

.180713.1

underscored material = new
[bracketed material] = delete

1 agreements with such units of local government, council of
2 government organizations, Indian tribal governments, nonprofit
3 entities and the federal government and may participate in or
4 receive aid from any federal or private program in relation to
5 such a planning program or assistance;

6 ~~[G.]~~ F. shall confer with the state budget division
7 ~~[of the department of finance and administration]~~ and the
8 capital outlay planning and monitoring division in developing
9 comprehensive plans to assure coordination of planning and
10 budgeting functions;

11 ~~[H.]~~ G. shall coordinate the state clearinghouse
12 review process;

13 ~~[I.]~~ H. shall develop a status of the state report;

14 ~~[J.]~~ I. shall review and coordinate comment by
15 state agencies on draft environmental impact statements;

16 ~~[K.]~~ J. shall provide community development block
17 grant technical assistance to local governments;

18 ~~[L.]~~ K. shall administer, in consultation with and
19 upon advice and direction from the community development block
20 grant policy committee, the program for the state community
21 development block grant program;

22 ~~[M.]~~ L. shall serve as staff to the New Mexico
23 association of regional councils;

24 ~~[N.]~~ M. shall maintain a state planning library;
25 and

.180713.1

underscored material = new
[bracketed material] = delete

1 [Θ.] N. shall provide planning assistance to county
2 and multi-county districts relative to application by such
3 districts for financial assistance and for regional plan
4 development."

5 Section 19. TEMPORARY PROVISION--TRANSFER OF FUNCTIONS,
6 MONEY, APPROPRIATIONS AND PROPERTY.--On the effective date of
7 the provisions of this act, all functions, money,
8 appropriations, records, furniture, equipment and other
9 property of the capital projects unit of the local government
10 division of the department of finance and administration are
11 transferred to the capital outlay planning and monitoring
12 division of the department of finance and administration.

13 Section 20. REPEAL.--Section 6-4-1 NMSA 1978 (being Laws
14 1975, Chapter 282, Section 3, as amended) is repealed.

15 Section 21. EFFECTIVE DATE.--The effective date of the
16 provisions of this act is July 1, 2010.