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HOUSE BILL 220

54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020

INTRODUCED BY

Patricio Ruiloba and Randal S. Crowder and Jason C. Harper
and Javier Martínez and Roberto "Bobby" J. Gonzales

AN ACT

RELATING TO TRANSPORTATION; DISTRIBUTING REVENUE FROM THE MOTOR
VEHICLE EXCISE TAX TO THE GENERAL FUND, THE STATE ROAD FUND AND
THE LOCAL GOVERNMENT TRANSPORTATION PROJECT FUND; PROHIBITING A
PLEDGE OF A PORTION OF THE DISTRIBUTIONS TO THE STATE ROAD FUND
AND THE LOCAL GOVERNMENT TRANSPORTATION PROJECT FUND FOR THE
PAYMENT OF BONDS; CLARIFYING AND ADDING DEFINITIONS TO THE
LOCAL GOVERNMENT TRANSPORTATION PROJECT FUND.

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

SECTION 1. Section 7-14-10 NMSA 1978 (being Laws 1988,
Chapter 73, Section 20, as amended) is amended to read:

"7-14-10. DISTRIBUTION OF PROCEEDS.--

A. The receipts from the tax and any associated
interest and penalties shall be deposited in the "motor vehicle
suspense fund", hereby created in the state treasury. As of

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1 the end of each month, the net receipts attributable to the tax
2 and associated penalties and interest shall be distributed as
3 follows:

4 [A.] (1) prior to July 1, 2021:

5 [~~(1)~~] (a) seventy-one and eighty-nine
6 hundredths percent to the general fund;

7 [~~(2)~~] (b) three and eleven hundredths
8 percent to the state road fund; and

9 [~~(3)~~] (c) twenty-five percent to the
10 department of transportation, for expenditures needed to
11 mitigate the emergency road conditions related to activity in
12 the oil field in state transportation commission district 2;
13 and

14 [B.] (2) beginning July 1, 2021:

15 [~~(1)~~ ~~— fifty-nine and thirty-nine hundredths~~]

16 (a) forty-two percent to the general
17 fund;

18 [~~(2)~~ ~~— twenty-one and eighty-six hundredths~~]

19 (b) thirty-five percent to the state
20 road fund; and

21 [~~(3)~~ ~~— eighteen and seventy-five hundredths~~]

22 (c) twenty-three percent to the local
23 [~~governments road~~] government transportation project fund.

24 B. Money from twenty-five percent of the
25 distributions made to the state road fund and the local

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1 government transportation project fund pursuant to Paragraph
2 (2) of Subsection A of this section shall not be pledged for
3 the payment of bonds or debentures or expended to pay the
4 principal or interest of outstanding bonds or debentures."

5 SECTION 2. Section 67-3-78 NMSA 1978 (being Laws 2019,
6 Chapter 205, Section 1) is amended to read:

7 "67-3-78. [~~DEFINITIONS~~] LOCAL GOVERNMENT TRANSPORTATION
8 PROJECT FUND CREATED--~~[DISTRIBUTIONS]~~ PLANNING AND
9 PRIORITIZATION OF FUNDING TRANSPORTATION PROJECTS FOR LOCAL
10 GOVERNMENTS.--

11 [~~A. As used in this section:~~

12 (1) ~~"fund" means the local government~~
13 ~~transportation project fund;~~

14 (2) ~~"local government" means a county or~~
15 ~~municipality;~~

16 (3) ~~"local government transportation project"~~
17 ~~means environmental and other studies, planning, design,~~
18 ~~construction and acquisition of rights of way necessary for the~~
19 ~~development of transportation infrastructure in a county or~~
20 ~~municipality;~~

21 (4) ~~"non-state money" means money that does~~
22 ~~not derive from revenue or interest into the state treasury or~~
23 ~~into a state fund; and~~

24 (5) ~~"transportation infrastructure" means~~
25 ~~highways, streets, roadways, bridges, crossing structures and~~

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1 ~~parking facilities, including all areas for vehicular use for~~
2 ~~travel, ingress, egress and parking.~~

3 ~~B.]~~ A. The "local government transportation project
4 fund" is created in the state treasury. The fund consists of
5 appropriations, donations, interest from investment of the fund
6 and other money distributed to the fund. The department shall
7 administer the fund and may establish subaccounts for the fund
8 as it deems necessary. Money in the fund is appropriated to
9 the department for expenditure as provided in this section.
10 Disbursements from the fund shall be made by warrant of the
11 secretary of finance and administration pursuant to vouchers
12 signed by the secretary of transportation or the secretary's
13 designee. Money in the fund shall not revert at the end of a
14 fiscal year.

15 ~~[G.]~~ B. Money in the fund may be used to make a
16 grant to a local government for a [~~local government~~]
17 transportation project that has been approved pursuant to
18 Subsection [~~D~~] C of this section for up to:

19 (1) ninety-five percent of the total cost of a
20 [~~local government~~] transportation project; provided that the
21 local government has demonstrated an ability, and has
22 contracted, to provide the remainder of the project costs in
23 non-state money; or

24 (2) one hundred percent of the total cost of a
25 [~~local government~~] transportation project if a financial

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1 hardship qualification certificate is issued to the local
2 government by the department of finance and administration and
3 the level of hardship assistance is approved by the state
4 transportation commission; provided that the local government
5 has demonstrated an ability, and has contracted, to provide the
6 remainder, if any, of the project costs in non-state money.

7 ~~[D.]~~ C. By ~~[August 1, 2019 and by]~~ August 1 of each
8 year ~~[thereafter]~~, the secretary shall submit a proposed list
9 to the state transportation commission of ~~[local government]~~
10 transportation projects identified through a transportation
11 planning process by ~~[the department's metropolitan planning~~
12 ~~organization and regional transportation planning organization~~
13 ~~planning process to the state transportation commission.~~

14 ~~Subject to any direction by the legislature regarding~~
15 ~~distributions from the fund, such as minimum distributions by~~
16 ~~engineering districts or to rural or urbanized local~~
17 ~~governments]~~ metropolitan planning organizations and regional
18 transportation planning organizations. The commission shall
19 approve a prioritized list of ~~[local government]~~ the
20 transportation projects for funding from the fund by ~~[September~~
21 ~~1, 2019 and by]~~ September 1 of each year ~~[thereafter]~~. The
22 commission may approve subsequent changes to a priority list as
23 ~~[it]~~ the commission deems necessary.

24 ~~[E.]~~ D. By ~~[November 30, 2019 and by]~~ November 30
25 of each year ~~[thereafter]~~, the department shall provide a

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1 report to the appropriate interim legislative committee on the
2 status of the fund, the status of the [~~local government~~]
3 transportation projects for which grants have been made from
4 the fund and the outstanding demand for assistance from the
5 fund.

6 E. As used in this section:

7 (1) "fund" means the local government
8 transportation project fund;

9 (2) "local government" means a county or
10 municipality;

11 (3) "metropolitan planning organization" means
12 the policy board of an organization designated by the state to
13 carry out a transportation planning process as permitted by
14 federal law pursuant to 23 U.S.C. 134, as that section may be
15 amended or renumbered;

16 (4) "non-state money" means money that does
17 not derive from revenue or interest into the state treasury or
18 into a state fund;

19 (5) "regional transportation planning
20 organization" means the policy board of an organization
21 designated by the state to carry out a transportation planning
22 process as permitted by federal law pursuant to 23 U.S.C. 135,
23 as that section may be amended or renumbered;

24 (6) "transportation infrastructure" means
25 highways, streets, roadways, bridges, crossing structures and

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1 parking facilities, including all areas for vehicular use for
2 travel, ingress, egress and parking; and

3 (7) "transportation project" means
4 environmental and other studies, planning, design, construction
5 and maintenance of transportation infrastructure, and
6 acquisition of rights of way necessary for the development of
7 transportation infrastructure, but not including a
8 transportation enhancement or beautification project, as
9 determined by the state transportation commission."

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