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SENATE BILL 2

**57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026**

INTRODUCED BY

Roberto "Bobby" J. Gonzales and George K. Muñoz and Pete Campos  
and Art De La Cruz and Benny Shendo, Jr.

AN ACT

RELATING TO THE FINANCING OF HIGHWAY PROJECTS; PROVIDING  
ADDITIONAL BONDING AUTHORITY TO THE STATE TRANSPORTATION  
COMMISSION FOR STATE HIGHWAY PROJECTS IDENTIFIED IN THE  
STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM; REQUIRING THE  
DEPARTMENT OF TRANSPORTATION TO INCLUDE A REPORT ON HIGHWAY  
PROJECT SELECTION AND PRIORITIES FINANCED BY BONDS IN ITS  
ANNUAL BUDGET REQUEST; INCREASING THE WEIGHT DISTANCE TAX FOR  
MOTOR VEHICLES OTHER THAN BUSES; INCREASING REGISTRATION FEES  
FOR PASSENGER VEHICLES; REQUIRING ADDITIONAL REGISTRATION FEES  
FOR ELECTRIC AND PLUG-IN HYBRID ELECTRIC VEHICLES AND  
DISTRIBUTING THE ADDITIONAL FEES TO THE STATE ROAD FUND;  
ADJUSTING CERTAIN FORMULAIC DISTRIBUTIONS OF MOTOR VEHICLE  
FEES.

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

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1           SECTION 1. Section 7-15A-6 NMSA 1978 (being Laws 1988,  
2 Chapter 73, Section 33, as amended) is amended to read:

3           "7-15A-6. TAX RATE FOR MOTOR VEHICLES OTHER THAN BUSES--  
4 REDUCTION OF RATE FOR ONE-WAY HAULS.--

5           A. For on-highway operations of motor vehicles  
6 other than buses, the weight distance tax shall be computed in  
7 accordance with the following schedule:

8	Declared Gross Weight	Tax Rate
9	(Gross Vehicle Weight)	(Mills per Mile)
10	26,001 to 28,000	<del>[11.01]</del> <u>14.86</u>
11	28,001 to 30,000	<del>[11.88]</del> <u>16.04</u>
12	30,001 to 32,000	<del>[12.77]</del> <u>17.24</u>
13	32,001 to 34,000	<del>[13.64]</del> <u>18.41</u>
14	34,001 to 36,000	<del>[14.52]</del> <u>19.60</u>
15	36,001 to 38,000	<del>[15.39]</del> <u>20.78</u>
16	38,001 to 40,000	<del>[16.73]</del> <u>22.59</u>
17	40,001 to 42,000	<del>[18.05]</del> <u>24.37</u>
18	42,001 to 44,000	<del>[19.36]</del> <u>26.14</u>
19	44,001 to 46,000	<del>[20.69]</del> <u>27.93</u>
20	46,001 to 48,000	<del>[22.01]</del> <u>29.71</u>
21	48,001 to 50,000	<del>[23.33]</del> <u>31.50</u>
22	50,001 to 52,000	<del>[24.65]</del> <u>33.28</u>
23	52,001 to 54,000	<del>[25.96]</del> <u>35.05</u>
24	54,001 to 56,000	<del>[27.29]</del> <u>36.84</u>
25	56,001 to 58,000	<del>[28.62]</del> <u>38.64</u>

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1	58,001 to 60,000	[ <del>29.93</del> ] <u>40.41</u>
2	60,001 to 62,000	[ <del>31.24</del> ] <u>42.17</u>
3	62,001 to 64,000	[ <del>32.58</del> ] <u>43.98</u>
4	64,001 to 66,000	[ <del>33.90</del> ] <u>45.77</u>
5	66,001 to 68,000	[ <del>35.21</del> ] <u>47.53</u>
6	68,001 to 70,000	[ <del>36.52</del> ] <u>49.30</u>
7	70,001 to 72,000	[ <del>37.86</del> ] <u>51.11</u>
8	72,001 to 74,000	[ <del>39.26</del> ] <u>53.00</u>
9	74,001 to 76,000	[ <del>40.71</del> ] <u>54.96</u>
10	76,001 to 78,000	[ <del>42.21</del> ] <u>56.98</u>
11	78,001 and over	[ <del>43.78</del> ] <u>59.10.</u>

12           B. All motor vehicles for which the tax is computed  
13 under Subsection A of this section shall pay a tax that is two-  
14 thirds of the tax computed under Subsection A of this section  
15 if:

16                   (1) the motor vehicle is customarily used for  
17 one-way haul;

18                   (2) forty-five percent or more of the mileage  
19 traveled by the motor vehicle for a registration year is  
20 mileage that is traveled empty of all load; and

21                   (3) the registrant, owner or operator of the  
22 vehicle attempting to qualify under this subsection has made a  
23 sworn application to the department to be classified under this  
24 subsection for a registration year and has given whatever  
25 information is required by the department to determine the

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1 eligibility of the vehicle to be classified under this  
2 subsection and the vehicle has been so classified."

3 SECTION 2. Section 66-6-2 NMSA 1978 (being Laws 1978,  
4 Chapter 35, Section 337, as amended) is amended to read:

5 "66-6-2. PASSENGER VEHICLES--REGISTRATION FEES.--For the  
6 registration of motor vehicles other than motorcycles, trucks,  
7 buses and tractors, the division shall collect the following  
8 fees for each twelve-month registration period:

9 A. for a vehicle whose gross factory shipping  
10 weight is not more than two thousand pounds, [~~twenty-seven~~  
11 ~~dollars (\$27.00)~~] thirty-three dollars seventy-five cents  
12 (\$33.75); provided, however, that after five years of  
13 registration, calculated from the date when the vehicle was  
14 first registered in this or another state, the fee is [~~twenty-~~  
15 ~~one dollars (\$21.00)~~] twenty-six dollars twenty-five cents  
16 (\$26.25);

17 B. for a vehicle whose gross factory shipping  
18 weight is more than two thousand but not more than three  
19 thousand pounds, [~~thirty-nine dollars (\$39.00)~~] forty-eight  
20 dollars seventy-five cents (\$48.75); provided, however, that  
21 after five years of registration, calculated from the date when  
22 the vehicle was first registered in this or another state, the  
23 fee is [~~thirty-one dollars (\$31.00)~~] thirty-eight dollars  
24 seventy-five cents (\$38.75);

25 C. for a vehicle whose gross factory shipping

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1 weight is more than three thousand pounds, [~~forty-five dollars~~  
2 ~~(\$45.00)] seventy dollars (\$70.00); provided, however, that  
3 after five years of registration, calculated from the date when  
4 the vehicle was first registered in this or another state, the  
5 fee is [~~forty-five dollars (\$45.00)] fifty-six dollars twenty-  
6 five cents (\$56.25); and~~~~

7 D. for a vehicle registered pursuant to the  
8 provisions of this section, a tire recycling fee of one dollar  
9 fifty cents (\$1.50)."

10 SECTION 3. A new section of the Motor Vehicle Code is  
11 enacted to read:

12 "[NEW MATERIAL] ADDITIONAL REGISTRATION FEE--ELECTRIC AND  
13 PLUG-IN HYBRID ELECTRIC VEHICLES.--

14 A. For registration of vehicles subject to the  
15 registration fees imposed by Section 66-6-2 NMSA 1978, there is  
16 imposed an additional annual fee due at the time of initial  
17 registration and subsequent registration renewals in the  
18 following amounts for each twelve-month period that an electric  
19 vehicle with a gross vehicle weight of twenty-six thousand  
20 pounds or less is registered:

21 (1) beginning January 1, 2027 and prior to  
22 January 1, 2028, seventy dollars (\$70.00);

23 (2) beginning January 1, 2028 and prior to  
24 January 1, 2029, eighty dollars (\$80.00); and

25 (3) on and after January 1, 2029, ninety

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1 dollars (\$90.00).

2 B. For registration of vehicles subject to the  
3 registration fees imposed by Section 66-6-2 NMSA 1978, there is  
4 imposed an additional annual fee due at the time of initial  
5 registration and subsequent registration renewals in the  
6 following amounts for each twelve-month period that a plug-in  
7 hybrid electric vehicle with a gross vehicle weight of  
8 twenty-six thousand pounds or less is registered:

9 (1) beginning January 1, 2027 and prior to  
10 January 1, 2028, thirty-five dollars (\$35.00);

11 (2) beginning January 1, 2028 and prior to  
12 January 1, 2029, forty dollars (\$40.00); and

13 (3) on and after January 1, 2029, forty-five  
14 dollars (\$45.00).

15 C. All fees collected pursuant to this section  
16 shall be paid to the state treasurer to the credit of the motor  
17 vehicle suspense fund with distribution in accordance with  
18 Section 66-6-23 NMSA 1978.

19 D. The division shall determine whether a motor  
20 vehicle is an electric vehicle or a plug-in hybrid electric  
21 vehicle based on the vehicle's fuel type or power train  
22 classification as identified through the vehicle identification  
23 number decoding process or other standardized vehicle attribute  
24 data source used by the division."

25 SECTION 4. Section 66-6-23 NMSA 1978 (being Laws 1978,  
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1 Chapter 35, Section 358, as amended) is amended to read:

2 "66-6-23. DISPOSITION OF FEES.--

3 A. After the necessary disbursements for refunds  
4 and other purposes have been made, the money remaining in the  
5 motor vehicle suspense fund, except for remittances received  
6 within the previous two months that are unidentified as to  
7 source or disposition, shall be distributed as follows:

8 (1) to each municipality, county or fee agent  
9 operating a motor vehicle field office:

10 (a) an amount equal to six dollars  
11 (\$6.00) per driver's license and five dollars (\$5.00) per  
12 identification card or motor vehicle or motorboat registration  
13 or title transaction performed;

14 (b) for each such agent determined by  
15 the secretary pursuant to Section 66-2-16 NMSA 1978 to have  
16 performed ten thousand or more transactions in the preceding  
17 fiscal year, other than a class A county with a population  
18 exceeding three hundred thousand or a municipality with a  
19 population exceeding three hundred thousand that has been  
20 designated as an agent pursuant to Section 66-2-14.1 NMSA 1978,  
21 an amount equal to one dollar (\$1.00) in addition to the amount  
22 distributed pursuant to Subparagraph (a) of this paragraph for  
23 each driver's license, identification card, motor vehicle  
24 registration, motorboat registration or title transaction  
25 performed; and

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1 (c) to each military installation  
2 designated as a fee agent pursuant to Section 66-2-14.1 NMSA  
3 1978, an amount equal to one dollar fifty cents (\$1.50) in  
4 addition to the amount distributed pursuant to Subparagraph (a)  
5 of this paragraph for each administrative service fee remitted  
6 by the military installation to the department pursuant to  
7 Subsection A of Section 66-2-16 NMSA 1978;

8 (2) to each municipality or county, other than  
9 a class A county with a population exceeding three hundred  
10 thousand or a municipality with a population exceeding three  
11 hundred thousand that has been designated as an agent pursuant  
12 to Section 66-2-14.1 NMSA 1978, operating a motor vehicle field  
13 office, an amount equal to one dollar fifty cents (\$1.50) for  
14 each administrative service fee remitted by that county or  
15 municipality to the department pursuant to the provisions of  
16 Subsection A of Section 66-2-16 NMSA 1978;

17 (3) to the state road fund:

18 (a) an amount equal to the fees  
19 collected pursuant to Sections 66-7-413 and 66-7-413.4 NMSA  
20 1978;

21 (b) an amount equal to the fee collected  
22 pursuant to Section 66-3-417 NMSA 1978;

23 (c) the remainder of each driver's  
24 license fee collected by the department employees from an  
25 applicant to whom a license is granted after deducting from the

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1 driver's license fee the amount of the distribution authorized  
2 in Paragraph (1) of this subsection with respect to that  
3 collected driver's license fee; ~~and~~

4 (d) an amount equal to fifty percent of  
5 the fees collected pursuant to Section 66-6-19 NMSA 1978; and

6 (e) an amount equal to the fees  
7 collected pursuant to Section 3 of this 2026 act;

8 (4) to the local governments road fund, the  
9 amount of the fees collected pursuant to Subsection B of  
10 Section 66-5-33.1 NMSA 1978 and the remainder of the fees  
11 collected pursuant to Subsection A of Section 66-5-408 NMSA  
12 1978;

13 (5) to the department:

14 (a) any amounts reimbursed to the  
15 department pursuant to Subsection D of Section 66-2-14.1 NMSA  
16 1978;

17 (b) an amount equal to two dollars  
18 (\$2.00) of each motorcycle registration fee collected pursuant  
19 to Section 66-6-1 NMSA 1978;

20 (c) an amount equal to the fees provided  
21 for in Subsection D of Section 66-2-7 NMSA 1978, Subsection E  
22 of Section 66-2-16 NMSA 1978, Subsections K and L of Section  
23 66-3-6 NMSA 1978 other than the administrative fee, Subsection  
24 C of Section 66-5-44 NMSA 1978 and Subsection B of Section  
25 66-5-408 NMSA 1978;

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1 (d) the amounts due to the department  
2 for the manufacture and issuance of a special registration  
3 plate collected pursuant to the section of law authorizing the  
4 issuance of the specialty plate;

5 (e) an amount equal to the registration  
6 fees collected pursuant to Section 66-6-6.1 NMSA 1978 for the  
7 purposes of enforcing the provisions of the Mandatory Financial  
8 Responsibility Act and for creating and maintaining a  
9 multilanguage noncommercial driver's license testing program;  
10 and after those purposes are met, the balance of the  
11 registration fees shall be distributed to the department to  
12 defray the costs of operating the division;

13 (f) an amount equal to fifty cents  
14 (\$.50) for each administrative fee remitted to the department  
15 by a county or municipality operating a motor vehicle field  
16 office pursuant to Subsection A of Section 66-2-16 NMSA 1978;

17 (g) an amount equal to one dollar  
18 twenty-five cents (\$.25) for each administrative fee collected  
19 by the department or any of its agents other than a county or  
20 municipality operating a motor vehicle field office pursuant to  
21 Subsection A of Section 66-2-16 NMSA 1978; and

22 (h) an amount equal to the royalties or  
23 other consideration paid by commercial users of databases of  
24 motor vehicle-related records of the department pursuant to  
25 Subsection C of Section 14-3-15.1 NMSA 1978 for the purpose of

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1 defraying the costs of maintaining databases of motor vehicle-  
2 related records of the department; and after that purpose is  
3 met, the balance of the royalties and other consideration shall  
4 be distributed to the department to defray the costs of  
5 operating the division or for use pursuant to Subsection F of  
6 Section 66-6-13 NMSA 1978;

7 (6) to each New Mexico institution of higher  
8 education, an amount equal to that part of the fees distributed  
9 pursuant to Paragraph (2) of Subsection D of Section 66-3-416  
10 NMSA 1978 proportionate to the number of special registration  
11 plates issued in the name of the institution to all such  
12 special registration plates issued in the name of all  
13 institutions;

14 (7) to the armed forces veterans license fund,  
15 the amount to be distributed pursuant to Paragraph (2) of  
16 Subsection E of Section 66-3-419 NMSA 1978;

17 (8) to the children's trust fund, the amount  
18 to be distributed pursuant to Paragraph (2) of Subsection D of  
19 Section 66-3-420 NMSA 1978;

20 (9) to the department of transportation, an  
21 amount equal to the fees collected pursuant to Section 66-5-35  
22 NMSA 1978;

23 (10) to the state equalization guarantee  
24 distribution made annually pursuant to the general  
25 appropriation act, an amount equal to one hundred percent of

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1 the driver safety fee collected pursuant to Subsection D of  
2 Section 66-5-44 NMSA 1978;

3 (11) to the motorcycle training fund, seven  
4 dollars (\$7.00) of each motorcycle registration fee collected  
5 pursuant to Section 66-6-1 NMSA 1978;

6 (12) to the recycling and illegal dumping  
7 fund:

8 (a) fifty cents (\$.50) of the tire  
9 recycling fee collected pursuant to the provisions of Section  
10 66-6-1 NMSA 1978;

11 (b) fifty cents (\$.50) of each of the  
12 tire recycling fees collected pursuant to the provisions of  
13 Sections 66-6-2 and 66-6-4 NMSA 1978; and

14 (c) twenty-five cents (\$.25) of each of  
15 the tire recycling fees collected pursuant to Sections 66-6-5  
16 and 66-6-8 NMSA 1978;

17 (13) to the highway infrastructure fund:

18 (a) fifty cents (\$.50) of the tire  
19 recycling fee collected pursuant to the provisions of Section  
20 66-6-1 NMSA 1978;

21 (b) one dollar (\$1.00) of each of the  
22 tire recycling fees collected pursuant to the provisions of  
23 Sections 66-6-2 and 66-6-4 NMSA 1978; and

24 (c) twenty-five cents (\$.25) of each of  
25 the tire recycling fees collected pursuant to Sections 66-6-5

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1 and 66-6-8 NMSA 1978;

2 (14) to each county, an amount equal to fifty  
3 percent of the fees collected pursuant to Section 66-6-19 NMSA  
4 1978 multiplied by a fraction, the numerator of which is the  
5 total mileage of public roads maintained by the county and the  
6 denominator of which is the total mileage of public roads  
7 maintained by all counties in the state;

8 (15) to the litter control and beautification  
9 fund, an amount equal to the fees collected pursuant to Section  
10 66-6-6.2 NMSA 1978;

11 (16) to the local government division of the  
12 department of finance and administration, an amount equal to  
13 the fees collected pursuant to Section 66-3-424.3 NMSA 1978 for  
14 distribution to each county to support animal control spaying  
15 and neutering programs in an amount proportionate to the number  
16 of residents of that county who have purchased pet care special  
17 registration plates pursuant to Section 66-3-424.3 NMSA 1978;  
18 and

19 (17) to the Cumbres and Toltec scenic railroad  
20 commission, twenty-five dollars (\$25.00) collected pursuant to  
21 the Cumbres and Toltec scenic railroad special registration  
22 plate.

23 B. The balance, exclusive of unidentified  
24 remittances, shall be distributed in accordance with Section  
25 66-6-23.1 NMSA 1978.

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1 C. If any of the paragraphs, subsections or  
2 sections referred to in Subsection A of this section are  
3 recompiled or otherwise redesignated without a corresponding  
4 change to Subsection A of this section, the reference in  
5 Subsection A of this section shall be construed to be the  
6 recompiled or redesignated paragraph, subsection or section."

7 SECTION 5. Section 66-6-23.1 NMSA 1978 (being Laws 1999,  
8 Chapter 49, Section 8, as amended) is amended to read:

9 "66-6-23.1. FORMULAIC DISTRIBUTION.--

10 A. The balance from Section 66-6-23 NMSA 1978 shall  
11 be transferred or distributed by the state treasurer on or  
12 before the last day of the month next after its receipt, as  
13 follows:

14 (1) [~~seventy-four and sixty-five~~] seventy-nine  
15 and seventy-two hundredths percent shall be distributed to the  
16 state road fund;

17 (2) [~~seven and six-tenths~~] six and eight-  
18 hundredths percent shall be transferred to each county in the  
19 proportion, determined by the department in accordance with  
20 Subsection B of this section, that the registration fees for  
21 vehicles in that county are to the total registration fees for  
22 vehicles in all counties;

23 (3) [~~seven and six-tenths~~] six and eight-  
24 hundredths percent shall be transferred to the counties, with  
25 each county receiving an amount equal to the proportion,

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

19 (4) [~~four and six hundredths~~] three and  
20 twenty-five hundredths percent shall be allocated among the  
21 counties in the proportion, determined by the department in  
22 accordance with Subsection B of this section, that the  
23 registration fees for vehicles in that county are to the total  
24 registration fees for vehicles in all counties. The amount  
25 allocated to each county shall be transferred to the

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1 incorporated municipalities within the county in the  
2 proportion, determined by the department of finance and  
3 administration in accordance with Subsection C of this section,  
4 that the sum of net taxable value, as that term is defined in  
5 the Property Tax Code, plus the assessed value, as that term is  
6 used in the Oil and Gas Ad Valorem Production Tax Act and in  
7 the Oil and Gas Production Equipment Ad Valorem Tax Act,  
8 determined for the incorporated municipality is to the sum of  
9 net taxable value plus assessed value determined for all  
10 incorporated municipalities within the county. Amounts  
11 transferred to incorporated municipalities pursuant to the  
12 provisions of this paragraph shall be used for the  
13 construction, maintenance and repair of streets within the  
14 municipality and for payment of paving assessments against  
15 property owned by federal, county or municipal governments. In  
16 a county in which there are no incorporated municipalities, the  
17 amount allocated pursuant to this paragraph shall be  
18 transferred to the county government road fund and used in  
19 accordance with the provisions of Paragraph (3) of this  
20 subsection; and

21 (5) [~~six and nine hundredths~~] four and eighty-  
22 seven hundredths percent shall be allocated among the counties  
23 in the proportion, determined by the department of finance and  
24 administration in accordance with Subsection C of this section,  
25 that the registration fees for vehicles in that county are to

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1 the total registration fees for vehicles in all counties. The  
2 amount allocated to each county shall be transferred to the  
3 county and incorporated municipalities within the county in the  
4 proportion, determined by the department of finance and  
5 administration in accordance with Subsection B of this section,  
6 that the computed taxes due for the county and each  
7 incorporated municipality within the county bear to the total  
8 computed taxes due for the county and incorporated  
9 municipalities within the county. For the purposes of this  
10 paragraph, the term "computed taxes due" for a jurisdiction  
11 means the sum of the net taxable value, as that term is defined  
12 in the Property Tax Code, plus the assessed value, as that term  
13 is used in the Oil and Gas Ad Valorem Production Tax Act and in  
14 the Oil and Gas Production Equipment Ad Valorem Tax Act, for  
15 that jurisdiction multiplied by an average of the rates for  
16 residential and nonresidential property imposed for that  
17 jurisdiction pursuant to Subsection B of Section 7-37-7 NMSA  
18 1978.

19 B. To carry out the provisions of this section,  
20 during the month of June of each year:

21 (1) the department shall determine and certify  
22 to the department of finance and administration the proportions  
23 that the department is required to determine pursuant to  
24 Subsection A of this section using information for the  
25 preceding calendar year on the number of vehicles registered in

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1 each county based on the address of the owner or place where  
2 the vehicle is principally located, the registration fees for  
3 the vehicles registered in each county, the total number of  
4 vehicles registered in the state and the total registration  
5 fees for all vehicles registered in the state; and

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

16 C. By June 30 of each year, the department of  
17 finance and administration shall determine the appropriate  
18 percentage of money to be transferred to each county and  
19 municipality for each purpose in accordance with Subsection A  
20 of this section based upon the proportions determined by or  
21 certified to the department of finance and administration. The  
22 percentages determined shall be used to compute the amounts to  
23 be transferred to the counties and municipalities during the  
24 succeeding fiscal year.

25 D. The board of county commissioners of each of the

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1        respective counties shall, by April 1 of every year, certify  
2        reports to the secretary of transportation of the total mileage  
3        of public roads maintained by each county as of April 1 of  
4        every year; provided that in their reports, the boards of  
5        county commissioners shall identify each of the public roads  
6        maintained by them by name, route and location. By July 1 of  
7        every year, the secretary of transportation shall verify the  
8        reports of the counties and revise, if necessary, the total  
9        mileage of public roads maintained by each county. The mileage  
10       verified by the secretary of transportation shall be the  
11       official mileage of public roads maintained by each county.  
12       Distribution of amounts to a county for road purposes shall be  
13       made in accordance with this section.

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

24                SECTION 6. Section 67-3-59.1 NMSA 1978 (being Laws 1989,  
25       Chapter 157, Section 1, as amended) is amended to read:

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1 "67-3-59.1. STATE HIGHWAY DEBENTURES--ISSUANCE--LIMITS--  
2 APPROVAL--COUPONS.--

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

15 B. Except as provided in Subsections C, [~~and~~] D and  
16 E of this section, the total aggregate outstanding principal  
17 amount of bonds issued from time to time pursuant to this  
18 section, secured by or payable from federal funds not otherwise  
19 obligated that are paid into the state road fund and the  
20 proceeds from the collection of taxes and fees required by law  
21 to be paid into the state road fund, shall not, without  
22 additional authorization of the state legislature, exceed one  
23 hundred fifty million dollars (\$150,000,000) at any given time,  
24 subject to the following provisions:

25 (1) the total aggregate outstanding principal

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1 amount of bonds issued for state highway projects that are  
2 required for the waste isolation pilot project and are eligible  
3 for federal reimbursement or payment as authorized by federal  
4 legislation shall not exceed one hundred million dollars  
5 (\$100,000,000); and

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

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

21 (1) an aggregate outstanding principal amount  
22 of bonds, not to exceed six hundred twenty-four million dollars  
23 (\$624,000,000), for major highway infrastructure projects for  
24 which the department has, prior to January 1, 1998, submitted  
25 or initiated the process of submitting a plan to the federal

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1 highway administration for innovative financing pursuant to 23  
2 USCA Sections 122 and 307;

3 (2) an aggregate outstanding principal amount  
4 of bonds, not to exceed one hundred million dollars  
5 (\$100,000,000), for state highway projects that are required  
6 for the waste isolation pilot project and are eligible for  
7 federal reimbursement; and

8 (3) an aggregate outstanding principal amount  
9 of bonds, not to exceed four hundred million dollars  
10 (\$400,000,000), for other state highway projects.

11 D. The total amount of bonds that may be issued by  
12 the state transportation commission for state highway projects  
13 pursuant to Subsection C of this section shall not exceed a  
14 total aggregate outstanding principal amount of:

15 (1) three hundred million dollars  
16 (\$300,000,000) prior to July 1, 1999;

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

19 (3) nine hundred million dollars  
20 (\$900,000,000) from July 1, 2000 through June 30, 2001; and

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

23 E. An additional one billion five hundred million  
24 dollars (\$1,500,000,000) of total bond proceeds may be issued  
25 pursuant to this section for state highway projects identified

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1 in the statewide transportation improvement program to be  
2 secured by or payable from federal funds or from taxes or fees  
3 not otherwise obligated and required by law to be paid into the  
4 state road fund; provided that the issuance of the bonds shall  
5 not cause the aggregate outstanding principal amount of bonds  
6 issued by the state transportation commission to exceed one  
7 billion one hundred twenty-four million dollars  
8 (\$1,124,000,000). Bond proceeds issued pursuant to this  
9 subsection shall not be used, directly or indirectly, to  
10 redeem, refund, defease or otherwise retire any previously  
11 issued bonds or other debt obligations of the state  
12 transportation commission. The commission shall not issue  
13 bonds pursuant to this subsection if the average issuance in  
14 every fiscal year for which the bonds may be issued exceeds two  
15 hundred ninety million dollars (\$290,000,000), including a  
16 fiscal year in which no bonds are issued; provided that the  
17 commission may issue bonds in an amount up to two hundred  
18 twenty million dollars (\$220,000,000) for fiscal year 2026 to  
19 secure associated federal grant funding for projects; and  
20 provided further that bonds issued by the commission shall not  
21 exceed a total of one hundred thirty million dollars  
22 (\$130,000,000) during the December 2026 bond sale.

23 ~~[E.]~~ F. The state transportation commission may  
24 issue bonds to refund other bonds issued pursuant to this  
25 section by exchange or current or advance refunding.

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1           ~~[F.]~~ G. Each series of bonds shall have a maturity  
2 of no more than twenty-five years from the date of issuance.  
3 The state transportation commission shall determine all other  
4 terms, covenants and conditions of the bonds; provided that the  
5 bonds shall not be issued pursuant to this section unless the  
6 state board of finance approves the issuance of the bonds and  
7 the principal amount of and interest rate or maximum net  
8 effective interest rate on the bonds.

9           ~~[G.]~~ H. The bonds shall be executed with the manual  
10 or facsimile signature of the ~~[chairman]~~ chair of the state  
11 transportation commission, countersigned by the state treasurer  
12 and attested to by the secretary of the state transportation  
13 commission, with the seal of the state transportation  
14 commission imprinted or otherwise affixed to the bonds.

15           ~~[H.]~~ I. Proceeds of the bonds may be used to pay  
16 expenses incurred in the preparation, issuance and sale of the  
17 bonds and, together with the earnings on the proceeds of the  
18 bonds, may be used to pay rebate, penalty, interest and other  
19 obligations relating to the bonds and the proceeds of the bonds  
20 under the Internal Revenue Code of 1986, as amended.

21           ~~[I.]~~ J. The bonds may be sold at a public or  
22 negotiated sale at, above or below par or through the New  
23 Mexico finance authority. A negotiated sale shall be made with  
24 one or more investment bankers whose services are obtained  
25 through a competitive proposal process. For any sale, the

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1 state transportation commission or the New Mexico finance  
2 authority shall also procure the services of any financial  
3 advisor or bond counsel through a competitive proposal process.  
4 If sold at public sale, a notice of the time and place of sale  
5 shall be published in a newspaper of general circulation in the  
6 state, and in any other newspaper determined in the resolution  
7 authorizing the issuance of the bonds, once each week for two  
8 consecutive weeks prior to the date of sale. The bonds may be  
9 purchased by the state treasurer or state investment officer.

10 ~~[J.]~~ K. This section is full authority for the  
11 issuance and sale of the bonds, and the bonds shall not be  
12 invalid for any irregularity or defect in the proceedings for  
13 their issuance and sale and shall be incontestable in the hands  
14 of bona fide purchasers or holders of the bond for value.

15 ~~[K.]~~ L. The bonds shall be legal investments for a  
16 person or board charged with the investment of public funds and  
17 may be accepted as security for a deposit of public money and,  
18 with the interest thereon, are exempt from taxation by the  
19 state and a political subdivision or agency of the state.

20 ~~[L.]~~ M. Any law authorizing the imposition or  
21 distribution of taxes or fees paid into the state road fund or  
22 the highway infrastructure fund or that affects those taxes and  
23 fees shall not be amended or repealed or otherwise directly or  
24 indirectly modified so as to impair outstanding bonds secured  
25 by a pledge of revenues from those taxes and fees paid into the

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1 state road fund or the highway infrastructure fund, unless the  
2 bonds have been discharged in full or provisions have been made  
3 for a full discharge. In addition, while any bonds issued by  
4 the state transportation commission pursuant to the provisions  
5 of this section remain outstanding, the powers or duties of the  
6 commission shall not be diminished or impaired in any manner  
7 that will affect adversely the interests and rights of the  
8 holder of such bonds.

9 [M-] N. In contracting for state highway projects  
10 to be paid in whole or in part with proceeds of bonds  
11 authorized by this section, the department shall require that  
12 any sand, gravel, caliche or similar material needed for the  
13 project shall, if practicable, be mined from state lands. Each  
14 contract shall provide that the contractor notify the  
15 commissioner of public lands of the need for the material and  
16 that, through lease or purchase, the material shall be mined  
17 from state lands if:

- 18 (1) the material needed is available from  
19 state lands in the vicinity of the project;
- 20 (2) the commissioner determines that the lease  
21 or purchase is in the best interest of the state land trust  
22 beneficiaries; and
- 23 (3) the cost to the contractor for the  
24 material, including the costs of transportation, is competitive  
25 with other available material from non-state lands.

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1           [~~N.~~] O. Bonds issued pursuant to this section shall  
2 be paid solely from federal funds not otherwise obligated and  
3 taxes and fees deposited into the state road fund and, as  
4 applicable, the highway infrastructure fund, and shall not  
5 constitute a general obligation of the state.

6           P. In the budget form submitted pursuant to Section  
7 6-3-18 NMSA 1978, the department shall include a report on  
8 highway projects to be financed pursuant to this section. The  
9 report shall include:

10                   (1) justification for the selection and  
11 priority ranking of each project, including:

12                           (a) traffic counts, accident rates and  
13 the expected improvements to traffic flow and health and  
14 safety;

15                           (b) the ranking of the pavement and  
16 substructure conditions;

17                           (c) an assessment of economic  
18 development impacts; and

19                           (d) other information deemed significant  
20 by the department;

21                           (2) the expected life of the proposed project;

22                           (3) the amount of revenue required to pay the  
23 principal and interest of outstanding and proposed bonds based  
24 on a five- and twenty-year forecast of the state road fund; and

25                           (4) the effect of the bond program on the

1 department's construction and maintenance program."

2 SECTION 7. EFFECTIVE DATES.--

3 A. The effective date of the provisions of Sections  
4 1, 2 and 5 of this act is July 1, 2026.

5 B. The effective date of the provisions of Sections  
6 3 and 4 of this act is January 1, 2027.

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