

1 SENATE BILL 246

2 56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

3 INTRODUCED BY

4 Nancy Rodriguez

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10 AN ACT

11 RELATING TO CAPITAL EXPENDITURES; REAUTHORIZING OR
12 REAPPROPRIATING BALANCES, EXPANDING OR CHANGING PURPOSES,
13 EXTENDING EXPENDITURE PERIODS, CHANGING AGENCIES AND
14 ESTABLISHING CONDITIONS FOR THE REVERSION OR TRANSFER OF
15 UNEXPENDED BALANCES OF APPROPRIATIONS MADE BY THE LEGISLATURE
16 IN PRIOR YEARS; DECLARING AN EMERGENCY.

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

19 SECTION 1. SEVERANCE TAX BONDS--REVERSION OF PROCEEDS.--

20 A. Except as otherwise provided in another section
21 of this act:

22 (1) the unexpended balance from the proceeds
23 of severance tax bonds issued for a project that has been
24 reauthorized in this act shall revert to the severance tax
25 bonding fund:

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1 (a) at the end of the expenditure period
2 as set forth in this act, if the expenditure period is changed
3 in this act; or

4 (b) if the expenditure period is not
5 changed in this act, pursuant to the time frame set forth in
6 the law that originally authorized the severance tax bonds or
7 the time frame set forth in any law that has previously
8 reauthorized the expenditure of the proceeds, whichever is
9 later; and

10 (2) all remaining balances from the proceeds
11 of severance tax bonds issued for a project that has been
12 reauthorized in this act shall revert to the severance tax
13 bonding fund three months after the reversion date for the
14 unexpended balances.

15 B. For the purpose of this section, "unexpended
16 balance" means the remainder of an appropriation after
17 reserving for unpaid costs and expenses covered by binding
18 written obligations to third parties.

19 SECTION 2. GENERAL FUND AND OTHER FUND APPROPRIATIONS--
20 REVERSIONS.--

21 A. Except as otherwise provided in another section
22 of this act:

23 (1) the unexpended balance of an appropriation
24 from the general fund or other state fund that has been changed
25 in this act shall revert:

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1 (a) at the end of the expenditure period
2 as set forth in this act, if the expenditure period is changed
3 in this act; or

4 (b) if the expenditure period is not
5 changed in this act, pursuant to the time frame set forth in
6 the law in which the original appropriation was made or the
7 time frame set forth in any law that has previously changed the
8 appropriation, whichever is later; and

9 (2) all remaining balances of an appropriation
10 from the general fund or other state fund that has been changed
11 in this act shall revert three months after the reversion date
12 for the unexpended balance.

13 B. Except as provided in Subsection C of this
14 section, the balance of an appropriation made from the general
15 fund or other state fund shall revert pursuant to Subsection A
16 of this section to the originating fund.

17 C. The balance of an appropriation made from the
18 general fund or other state fund to the Indian affairs
19 department or the aging and long-term services department for a
20 project located on lands of an Indian nation, tribe or pueblo
21 shall revert pursuant to Subsection A of this section to the
22 tribal infrastructure project fund.

23 D. For the purpose of this section, "unexpended
24 balance" means the remainder of an appropriation after
25 reserving for unpaid costs and expenses covered by binding

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1 written obligations to third parties.

2 **SECTION 3. TEXICO WATER TANK IMPROVEMENTS--CHANGE TO**
3 **CURRY COUNTY FAIRGROUND IMPROVEMENTS--CHANGE AGENCY--EXTEND**
4 **TIME--GENERAL FUND.--**The unexpended balance of the
5 appropriation to the department of environment originally
6 authorized in Subsection 17 of Section 26 of Chapter 277 of
7 Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section
8 87 to plan, design, repair and rehabilitate water tanks in
9 Texico in Curry county shall not be expended for the original
10 or reauthorized purpose but is appropriated to the local
11 government division to plan, design, construct and improve the
12 fairgrounds, including fencing, lighting, parking and
13 buildings, in Curry county. The time of expenditure is
14 extended through fiscal year 2026.

15 **SECTION 4. TEXICO WATER SYSTEM IMPROVEMENTS--CHANGE TO**
16 **CURRY COUNTY FAIRGROUND IMPROVEMENTS--CHANGE AGENCY--EXTEND**
17 **TIME--SEVERANCE TAX BONDS.--**The unexpended balance of the
18 appropriation to the department of environment originally
19 authorized in Subsection 56 of Section 26 of Chapter 81 of Laws
20 2020 and reauthorized in Laws 2022, Chapter 52, Section 49 to
21 plan, design, construct and improve contaminated water systems
22 in Texico in Curry county shall not be expended for the
23 original or reauthorized purpose but is appropriated to the
24 local government division to plan, design, construct and
25 improve the fairgrounds, including fencing, lighting, parking

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1 and buildings, in Curry county. The time of expenditure is
2 extended through fiscal year 2026.

3 SECTION 5. THIRD JUDICIAL DISTRICT COURT CONSTRUCTION--
4 CHANGE AGENCY--GENERAL FUND.--The unexpended balance of the
5 appropriation to the third judicial district court in Laws
6 2023, Chapter 199, Section 13 to plan, design, construct and
7 equip an addition to the third judicial district court facility
8 in Dona Ana county is appropriated to the local government
9 division for that purpose.

10 SECTION 6. JEMEZ SPRINGS WASTEWATER TREATMENT PLANT
11 EQUIPMENT--CHANGE TO WASTEWATER TREATMENT PLANT AND COLLECTION
12 SYSTEM IMPROVEMENTS--GENERAL FUND.--The unexpended balance of
13 the appropriation to the department of environment in
14 Subsection 105 of Section 19 of Chapter 199 of Laws 2023 to
15 plan, design, construct, purchase and improve operational
16 equipment for the wastewater treatment plant in Jemez Springs
17 in Sandoval county is changed to plan, design, construct,
18 purchase, equip and improve the wastewater treatment plant and
19 collection system in Jemez Springs.

20 SECTION 7. ASK ACADEMY CHARTER SCHOOL IMPROVEMENTS--
21 EXPAND PURPOSE--GENERAL FUND.--The public education department
22 project in Subsection 192 of Section 16 of Chapter 199 of Laws
23 2023 to plan, design, construct, furnish and equip improvements
24 to buildings and grounds at the ASK Academy charter school,
25 including fencing, information technology, security

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1 infrastructure and installation of related equipment, in Rio
2 Rancho in Sandoval county may include the purchase of property,
3 buildings and equipment.

4 SECTION 8. SANTA FE SUPPORTIVE HOUSING FACILITIES
5 RENOVATION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of
6 expenditure for the local government division project in
7 Subsection 401 of Section 35 of Chapter 81 of Laws 2020 to
8 plan, design, construct and renovate a facility for homeless
9 and below-market renters, including housing and services, in
10 Santa Fe in Santa Fe county is extended through fiscal year
11 2026.

12 SECTION 9. EMERGENCY.--It is necessary for the public
13 peace, health and safety that this act take effect immediately.