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SENATE BILL 5

48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SPECIAL SESSION, 2008

INTRODUCED BY

James G. Taylor

AN ACT

RELATING TO EXPENDITURE OF PUBLIC MONEY; REAUTHORIZING OR REAPPROPRIATING BALANCES, EXPANDING OR CHANGING PURPOSES, EXTENDING EXPENDITURE PERIODS, CHANGING AGENCIES AND ESTABLISHING CONDITIONS FOR THE REVERSION OF UNEXPENDED BALANCES OF APPROPRIATIONS MADE BY THE LEGISLATURE IN PRIOR YEARS; DECLARING AN EMERGENCY.

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

Section 1. SEVERANCE TAX BONDS--REVERSION OF PROCEEDS.--

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

(1) the unexpended balance from the proceeds of severance tax bonds issued for a project that has been reauthorized in this act shall revert to the severance tax 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 whether or not any of the remaining
15 balances are subject to a contractual obligation to third
16 parties.

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

21 Section 2. GENERAL FUND AND OTHER FUND APPROPRIATIONS--
22 REVERSIONS.--

23 A. Except as otherwise provided in another section
24 of this act:

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

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

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

11 (2) all remaining balances of an appropriation
12 from the general fund or other state fund that has been changed
13 in this act shall revert three months after the reversion date
14 for the unexpended balance whether or not any of the remaining
15 balances are subject to a contractual obligation to third
16 parties.

17 B. Except as provided in Subsection D of this
18 section, the balance of an appropriation made from the general
19 fund shall revert pursuant to Subsection A of this section to
20 the capital projects fund.

21 C. Except as provided in Subsection D of this
22 section, the balance of an appropriation made from other state
23 funds shall revert pursuant to Subsection A of this section to
24 the originating fund.

25 D. The balance of an appropriation made from the

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1 general fund or other state fund to the Indian affairs
2 department or the aging and long-term services department for a
3 project located on lands of an Indian nation, tribe or pueblo
4 shall revert pursuant to Subsection A of this section to the
5 tribal infrastructure project fund.

6 E. For the purpose of this section, "unexpended
7 balance" means the remainder of an appropriation after
8 reserving for unpaid costs and expenses covered by binding
9 written obligations to third parties.

10 Section 3. ALBUQUERQUE HIGH SCHOOL BASKETBALL
11 IMPROVEMENTS--EXPAND PURPOSE TO INCLUDE UNIFORMS--GENERAL
12 FUND.--The public education department project in Subsection 19
13 of Section 55 of Chapter 42 of Laws 2007 for improvements and
14 equipment for the basketball facility at Albuquerque high
15 school in the Albuquerque public school district in Bernalillo
16 county may include the purchase of uniforms.

17 Section 4. MORA BRANCH OF LUNA COMMUNITY COLLEGE
18 BUILDING--CHANGE TO FURNITURE AND EQUIPMENT--GENERAL FUND.--The
19 unexpended balance of the appropriation to the higher education
20 department in Subsection 11 of Section 76 of Chapter 42 of Laws
21 2007 for a building for the Mora branch of Luna community
22 college in Mora county shall not be expended for the original
23 purpose but is changed to purchase and install furniture and
24 equipment at that branch of that college.

25 Section 5. RIO RANCHO CITY CENTER LIGHTING PURCHASE--

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1 CHANGE TO LISBON AVENUE SIDEWALKS--GENERAL FUND.--The
2 unexpended balance of the appropriation to the local government
3 division in Subsection 190 of Section 26 of Chapter 2 of Laws
4 2007 for city center lighting in Rio Rancho in Sandoval county
5 shall not be expended for the original purpose but is changed
6 to plan, design and construct sidewalks along Lisbon avenue
7 from Southern boulevard to Tarpon avenue in Rio Rancho.

8 Section 6. BERNAL COMMUNITY CENTER--CHANGE TO THE WEST
9 LAS VEGAS PUBLIC SCHOOL DISTRICT--CHANGE AGENCY--SEVERANCE TAX
10 BONDS.--The unexpended balance of the appropriation to the
11 local government division originally authorized in Subsection
12 HHHHHHHHHH of Section 15 of Chapter 23 of Laws 2000 (2nd S.S.)
13 and reauthorized in Laws 2005, Chapter 347, Section 281 to
14 improve the community center in Bernal in San Miguel county is
15 appropriated to the public education department to improve the
16 community center in Bernal in the west Las Vegas public school
17 district in that county.

18 Section 7. SANTA FE HIGH SCHOOL JUNIOR WRESTLING PROGRAM
19 EQUIPMENT--CHANGE TO STORAGE FACILITY--GENERAL FUND.--The
20 unexpended balance of the appropriation to the public education
21 department in Subsection 369 of Section 39 of Chapter 111 of
22 Laws 2006 for equipment for the junior wrestling program at
23 Santa Fe high school in the Santa Fe public school district in
24 Santa Fe county shall not be expended for the original purpose
25 but is changed to plan, design and construct a storage facility

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1 for that program at that school.

2 Section 8. EMERGENCY.--It is necessary for the public
3 peace, health and safety that this act take effect immediately.

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