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SENATE BILL 443

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

INTRODUCED BY

Carlos R. Cisneros

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. SANTA FE MUNICIPAL RECREATION COMPLEX RUGBY  
11 FIELD CONCESSION BUILDING--CHANGE TO SENATE DISTRICT 17  
12 LIGHTING AND LANDSCAPING IMPROVEMENTS--GENERAL FUND.--The  
13 unexpended balance of the appropriation to the local government  
14 division in Subsection 665 of Section 68 of Chapter 42 of Laws  
15 2007 for a concession building at the municipal recreation  
16 complex rugby fields on Caja del Rio road in Santa Fe in Santa  
17 Fe county shall not be expended for the original purpose but is  
18 changed to plan, design, purchase and install lighting, art and  
19 botanical, horticultural and other landscaping improvements in  
20 parks, streets, alleys and medians in senate district 17,  
21 including south San Pedro drive and Trumbull avenue, in  
22 Albuquerque in Bernalillo county.

23 Section 4. MCKINLEY MIDDLE SCHOOL EDUCATIONAL  
24 TECHNOLOGY--EXTEND EXPENDITURE PERIOD--GENERAL FUND.--The time  
25 of expenditure for the public education department project in  
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1 Subsection 170 of Section 55 of Chapter 42 of Laws 2007 for  
2 educational technology at McKinley middle school in the  
3 Albuquerque public school district in Bernalillo county is  
4 extended through fiscal year 2011.

5 Section 5. CURRY COUNTY CRIMINAL JUSTICE COMPLEX  
6 PURCHASE--CHANGE TO CURRY COUNTY COURTHOUSE CONSTRUCT--GENERAL  
7 FUND.--One hundred fifty thousand dollars (\$150,000) of the  
8 unexpended balance of the appropriation to the local government  
9 division in Subsection 241 of Section 52 of Chapter 111 of Laws  
10 2006 for purchasing a building and parking lot for future  
11 development of a criminal justice complex in Clovis in Curry  
12 county shall not be expended for the original purpose but is  
13 changed to plan, design, construct, equip and furnish  
14 improvements and renovations to the Curry county courthouse.

15 Section 6. CURRY COUNTY CRIMINAL JUSTICE COMPLEX  
16 PURCHASE--CHANGE TO CURRY COUNTY CRIMINAL JUSTICE NEEDS  
17 ANALYSIS AND ARCHITECTURAL SERVICES--GENERAL FUND.--One hundred  
18 fifty thousand dollars (\$150,000) of the unexpended balance of  
19 the appropriation to the local government division in  
20 Subsection 241 of Section 52 of Chapter 111 of Laws 2006 for  
21 purchasing a building and parking lot for future development of  
22 a criminal justice complex in Clovis in Curry county shall not  
23 be expended for the original purpose but is changed for a needs  
24 analysis and architectural services for future development of a  
25 criminal justice complex in Clovis in Curry county.

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1           Section 7.   BERINO MUTUAL DOMESTIC WATER CONSUMERS AND  
2   MUTUAL SEWAGE WORKS ASSOCIATION--CHANGE TO WATER RIGHTS LEASE  
3   AND TANK SITE ACQUISITION--GENERAL FUND.--The unexpended  
4   balance of the appropriation to the department of environment  
5   in Subsection 21 of Section 48 of Chapter 92 of Laws 2008 to  
6   purchase land and equip a water well and pump house for the  
7   Berino mutual domestic water consumers and mutual sewage works  
8   association in Dona Ana county shall not be expended for the  
9   original purpose but is changed to plan, design and construct  
10   water system improvements, including water rights lease,  
11   transfer and tank site acquisition, for the Berino mutual  
12   domestic water consumers and mutual sewage works association in  
13   Dona Ana county.

14           Section 8.   SAN MIGUEL LA CLINICA DE FAMILIA FACILITY  
15   PARKING LOT--CHANGE TO ELECTRONIC RECORDS SYSTEM--GENERAL  
16   FUND.--The unexpended balance of the appropriation to the local  
17   government division in Subsection 125 of Section 26 of Chapter  
18   2 of Laws 2007 for a parking lot for la clinica de familia  
19   facility in San Miguel in Dona Ana county shall not be expended  
20   for the original purpose but is changed to purchase and install  
21   an electronic records system, related technology and other  
22   dental equipment at la clinica de familia facilities throughout  
23   Dona Ana county.

24           Section 9.   SAN PABLO MUTUAL DOMESTIC WATER CONSUMERS  
25   ASSOCIATION BUILDING--EXPAND PURPOSE--GENERAL FUND.--The

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1 department of environment project in Subsection 33 of Section  
2 48 of Chapter 92 of Laws 2008 to plan and purchase land for a  
3 building for the San Pablo mutual domestic water consumers  
4 association in Dona Ana county may include design and  
5 construction.

6 Section 10. CHAMBERINO MULTIPURPOSE CENTER--CHANGE TO  
7 COMMUNITY CENTER AND PARK--SEVERANCE TAX BONDS.--The unexpended  
8 balance of the appropriation to the local government division  
9 in Subsection 152 of Section 18 of Chapter 111 of Laws 2006 for  
10 a multipurpose center in Chamberino in Dona Ana county shall  
11 not be expended for the original purpose but is changed to  
12 purchase property for and plan, design, construct, equip and  
13 furnish the Chamberino community center and park.

14 Section 11. CHAMBERINO COMMUNITY CENTER AND PARK--EXPAND  
15 PURPOSE--GENERAL FUND.--The local government division project  
16 in Subsection 306 of Section 68 of Chapter 42 of Laws 2007 to  
17 plan, design, construct, equip and furnish the Chamberino  
18 community center in Dona Ana county may include the Chamberino  
19 park as well as purchasing property.

20 Section 12. GALLUP FIRE TRAINING TOWER--CHANGE TO FIRE  
21 TRAINING TOWER EQUIPMENT--EXTEND EXPENDITURE PERIOD--CAPITAL  
22 PROJECTS FUND.--The unexpended balance of the appropriation to  
23 the local government division in Subsection 232 of Section 134  
24 of Chapter 126 of Laws 2004 to construct a fire training tower  
25 in Gallup in McKinley county shall not be expended for the

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1 original purpose but is changed to purchase equipment for the  
2 fire training tower in Gallup. The time of expenditure is  
3 extended through fiscal year 2011.

4 Section 13. RED ROCK CHAPTER COMMUNITY CENTER--CHANGE TO  
5 MOTOR GRADER PURCHASE--GENERAL FUND.--The unexpended balance of  
6 the appropriation to the Indian affairs department in  
7 Subsection 74 of Section 43 of Chapter 347 of Laws 2005 for  
8 construction of a community center at the Red Rock chapter of  
9 the Navajo Nation in McKinley county shall not be expended for  
10 the original purpose but is changed to purchase a motor grader  
11 for the Red Rock chapter.

12 Section 14. TOHATCHI CHAPTER NAKAI PARK REPAIRS--CHANGE  
13 TO SKATEBOARD PARK AND IMPROVEMENTS--GENERAL FUND.--The  
14 unexpended balance of the appropriation to the Indian affairs  
15 department in Subsection 154 of Section 26 of Chapter 2 of Laws  
16 2007 to repair and renovate Nakai park in the Tohatchi chapter  
17 of the Navajo Nation in McKinley county shall not be expended  
18 for the original purpose but is changed to plan, design,  
19 construct, renovate and equip a skateboard park, volleyball  
20 park, picnic area, playground area and trails, including  
21 landscaping improvements, in that chapter.

22 Section 15. CARINOS CHARTER SCHOOL--EXPAND PURPOSE--  
23 GENERAL FUND.--The public education department project in  
24 Subsection 396 of Section 44 of Chapter 92 of Laws 2008 to  
25 equip the kitchen and playground and to purchase and install

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1 portables at Carinos charter school in the Espanola public  
2 school district in Rio Arriba county may include planning,  
3 designing, constructing, equipping, furnishing and related site  
4 improvements at that school.

5 Section 16. SHIPROCK DOMESTIC VIOLENCE SHELTER  
6 TRANSITIONAL HOUSING--CHANGE TO SHIPROCK CHAPTER DOMESTIC  
7 VIOLENCE SHELTER--GENERAL FUND.--The unexpended balance of the  
8 appropriation to the Indian affairs department in Subsection  
9 105 of Section 66 of Chapter 42 of Laws 2007 for a twenty-unit  
10 transitional housing facility for a domestic violence shelter  
11 in Shiprock in San Juan county shall not be expended for the  
12 original purpose but is changed to construct the domestic  
13 violence shelter in the Shiprock chapter of the Navajo Nation  
14 in that county.

15 Section 17. JUNIOR WRESTLING PROGRAM EQUIPMENT AT SANTA  
16 FE HIGH SCHOOL--CHANGE TO STORAGE FACILITY--EXTEND TIME--  
17 GENERAL FUND.--The unexpended balance of the appropriation to  
18 the public education department in Subsection 369 of Section 39  
19 of Chapter 111 of Laws 2006 for equipment for the junior  
20 wrestling program at Santa Fe high school in the Santa Fe  
21 public school district shall not be expended for the original  
22 purpose but is changed to plan, design and construct a storage  
23 facility for that program at that school. The time of  
24 expenditure is extended through fiscal year 2011.

25 Section 18. CEBOLLA MUTUAL DOMESTIC WATER CONSUMERS AND  
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1 SEWAGE WORKS ASSOCIATION--RINCON BLANCO COMMUNITY CENTER--  
2 CHANGE TO NON-POTABLE WATER SYSTEM, SANITARY FACILITIES AND  
3 WASTEWATER SYSTEM--GENERAL FUND.--The unexpended balance of the  
4 appropriation to the department of environment in Subsection 81  
5 of Section 48 of Chapter 92 of Laws 2008 to install a water  
6 system at the Rincon Blanco community center for the Cebolla  
7 mutual domestic water consumers and sewage works association in  
8 Rio Arriba county shall not be expended for the original  
9 purpose but is changed to plan, design and construct a non-  
10 potable water system, sanitary facilities and wastewater system  
11 at the Rincon Blanco community center for the Cebolla mutual  
12 domestic water consumers and sewage works association in Rio  
13 Arriba county.

14 Section 19. LAS TRAMPAS ADMINISTRATIVE SERVICE BUILDING--  
15 CHANGE TO PUBLIC WORKS SUBSTATION--GENERAL FUND.--The  
16 unexpended balance of the appropriation to the local government  
17 division in Subsection 666 of Section 52 of Chapter 111 of Laws  
18 2006 for an administrative services building for Las Trampas  
19 land grant in Taos county shall not be expended for the  
20 original purpose but is changed to plan, design, construct,  
21 equip and furnish a public works substation for the road  
22 department in Taos county.

23 Section 20. RODARTE BUILDINGS IMPROVEMENTS--CHANGE TO  
24 RODARTE WATER SYSTEM--CHANGE AGENCY--GENERAL FUND.--The  
25 unexpended balance of the appropriation to the local government  
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1 division in Subsection 215 of Section 26 of Chapter 2 of Laws  
2 2007 for site and facility improvements to buildings in Rodarte  
3 in Taos county shall not be expended for the original purpose  
4 but is appropriated to the department of environment to plan,  
5 design and construct a water system for the Rodarte mutual  
6 domestic water consumers association in Taos county.

7 Section 21. EMERGENCY.--It is necessary for the public  
8 peace, health and safety that this act take effect immediately.

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