

HOUSE BILL 296

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

Javier Martínez

AN ACT

RELATING TO CAPITAL EXPENDITURES; REAUTHORIZING OR
REAPPROPRIATING BALANCES, EXPANDING OR CHANGING PURPOSES,
EXTENDING EXPENDITURE PERIODS, CHANGING AGENCIES AND
ESTABLISHING CONDITIONS FOR THE REVERSION OR TRANSFER 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.

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. LOVINGTON AMBULANCE PURCHASE--CHANGE TO WATER**
3 **AND SEWER SYSTEM IMPROVEMENTS--CHANGE AGENCY--EXTEND TIME--**
4 **GENERAL FUND.--**The unexpended balance of the appropriation to
5 the local government division in Subsection 255 of Section 34
6 of Chapter 277 of Laws 2019 to purchase and equip an ambulance
7 for Lovington in Lea county shall not be expended for the
8 original purpose but is appropriated to the department of
9 environment to plan, design and construct water and sewer
10 system improvements, including water mains, water lines and
11 water and sanitary sewer equipment, in Lovington in Lea county.
12 The time of expenditure is extended through fiscal year 2023.

13 **SECTION 4. OTERO COUNTY EMERGENCY OPERATIONS CENTER**
14 **EQUIPMENT PURCHASE--EXTEND TIME--GENERAL FUND.--**The time of
15 expenditure for the local government division project in
16 Subsection 300 of Section 34 of Chapter 277 of Laws 2019 to
17 purchase and install equipment for an emergency operations
18 center in Otero county is extended through fiscal year 2023.

19 **SECTION 5. AGUA FRIA COMMUNITY WATER SYSTEM ASSOCIATION**
20 **PERIMETER WALL CONSTRUCTION--CHANGE TO IMPROVE OFFICE AND**
21 **MAINTENANCE BUILDINGS--SEVERANCE TAX BONDS.--**The unexpended
22 balance of the appropriation to the local government division
23 in Subsection 376 of Section 35 of Chapter 81 of Laws 2020 to
24 plan, design and construct a perimeter wall for the Agua Fria
25 community water system association in Santa Fe county shall not

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1 be expended for the original purpose but is changed to purchase
2 and install solar panels and for improvements to the
3 association's office and maintenance buildings in Santa Fe
4 county.

5 SECTION 6. CLAYTON SOLID WASTE TRUCK PURCHASE--EXPAND
6 PURPOSE--EXTEND TIME--GENERAL FUND.--The department of
7 environment project in Subsection 137 of Section 26 of Chapter
8 277 of Laws 2019 to purchase and equip a solid waste truck for
9 Clayton in Union county may include the purchase of new
10 dumpsters fabricated to fit the solid waste truck. The time of
11 expenditure is extended through fiscal year 2023.

12 SECTION 7. EMERGENCY.--It is necessary for the public
13 peace, health and safety that this act take effect immediately.