

1 SENATE BILL 275

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; AUTHORIZING EXPENDITURES FROM
12 CERTAIN FUNDS AND BALANCES; ELIMINATING CERTAIN ENCUMBRANCE
13 REQUIREMENTS, REQUIRING CERTIFICATIONS TO THE DEPARTMENT OF
14 FINANCE AND ADMINISTRATION AND PROVIDING REVERSION DATE
15 EXTENSIONS FOR CERTAIN APPROPRIATIONS FOR PROJECTS MADE IN LAWS
16 2023, CHAPTER 199; ESTABLISHING CONDITIONS FOR THE REVERSION OF
17 UNEXPENDED BALANCES; MAKING APPROPRIATIONS; DECLARING AN
18 EMERGENCY.

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

21 SECTION 1. GENERAL FUND APPROPRIATIONS--LIMITATIONS--
22 REVERSIONS.--

23 A. Except as otherwise specifically provided by
24 law, the unexpended balance of an appropriation made in this
25 act from the general fund shall revert:

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1 (1) no later than September 30 following:
2 (a) the end of fiscal year 2026 for a
3 project for which an appropriation was made to purchase
4 vehicles, including emergency vehicles and other vehicles that
5 require special equipment; heavy equipment; books; educational
6 technology; or other equipment or furniture that is not related
7 to a more inclusive construction or renovation project; or

8 (b) the end of fiscal year 2028 for a
9 project for which an appropriation was made related to an
10 inclusive construction or renovation project; or

11 (2) within six months of completion of the
12 project for any other project for which an appropriation was
13 made, but no later than the end of fiscal year 2028.

14 B. The agencies named in this 2024 act shall
15 certify to the department of finance and administration that
16 the money appropriated in this 2024 act is needed for the
17 purposes specified in the applicable section of this 2024 act.
18 If an agency has not certified the need for the appropriation
19 for a particular project by the end of fiscal year 2026, the
20 authorization for that project is void.

21 C. Money that is appropriated from the general fund
22 pursuant to this act shall not be subject to a binding written
23 agreement with a third party prior to the authorized state
24 agency's approval to enter into that agreement.

25 D. For the purposes of this section, "unexpended
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1 balance" means the remainder of an appropriation after
2 reserving for unpaid costs and expenses subject to a binding
3 written agreement with a third party.

4 SECTION 2. FUND APPROPRIATIONS OTHER THAN GENERAL FUND--
5 LIMITATIONS--REVERSIONS.--

6 A. Except as otherwise specifically provided by
7 law:

8 (1) the unexpended balance of an appropriation
9 made in this act from a fund other than the general fund shall
10 revert no later than the following dates:

11 (a) for a project for which an
12 appropriation was made to match federal grants, six months
13 after completion of the project;

14 (b) for a project for which an
15 appropriation was made to purchase vehicles, including
16 emergency vehicles and other vehicles that require special
17 equipment; heavy equipment; books; educational technology; or
18 other equipment or furniture that is not related to a more
19 inclusive construction or renovation project, at the end of the
20 fiscal year two years following the fiscal year in which the
21 appropriation was made for the purchase; and

22 (c) for any other project for which an
23 appropriation was made, within six months of completion of the
24 project, but no later than the end of fiscal year 2028; and

25 (2) all remaining balances from an

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1 appropriation made in this act for a project shall revert three
2 months after the latest reversion date specified for that type
3 of project in Paragraph (1) of this subsection.

4 B. Except for appropriations to the capital program
5 fund, money from appropriations made in this act shall not be
6 used to pay indirect project costs.

7 C. Money that is appropriated from a fund other
8 than the general fund pursuant to this act shall not be subject
9 to a binding written agreement with a third party prior to the
10 authorized state agency's approval to enter into that
11 agreement.

12 D. For the purposes of this section, "unexpended
13 balance" means the remainder of an appropriation after
14 reserving for unpaid costs and expenses subject to a binding
15 written agreement with a third party.

16 SECTION 3. ADMINISTRATIVE OFFICE OF THE COURTS PROJECTS--
17 GENERAL FUND.--The following amounts are appropriated from the
18 general fund to the administrative office of the courts for
19 expenditure in fiscal years 2024 through 2028, unless otherwise
20 provided in Section 1 of this act, for the following purposes:

21 1. three million dollars (\$3,000,000) to plan,
22 design, construct, furnish and equip a new magistrate court in
23 Clovis in Curry county;

24 2. fifteen million dollars (\$15,000,000) to plan,
25 design, construct, furnish and equip a new magistrate court in

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1 Bernalillo in Sandoval county;

2 3. eleven million dollars (\$11,000,000) to plan,
3 design, construct, furnish and equip a new magistrate court in
4 Santa Fe in Santa Fe county;

5 4. four million dollars (\$4,000,000) to design,
6 purchase, install and equip technological and systems
7 improvements to district courts statewide;

8 5. ten million dollars (\$10,000,000) to plan,
9 design, construct, renovate, furnish and equip district court
10 improvements statewide, contingent upon a county match of at
11 least fifty percent of project costs and requiring the
12 administrative office of the courts to prioritize projects
13 based on critical need and county financial capacity; and

14 6. two million dollars (\$2,000,000) to plan,
15 design, construct, repair, renovate, furnish and equip
16 magistrate courts statewide.

17 SECTION 4. Laws 2023, Chapter 199, Section 1 is amended
18 to read:

19 "SECTION 1. GENERAL FUND APPROPRIATIONS--LIMITATIONS--
20 REVERSIONS.--

21 A. Except as otherwise specifically provided by
22 law, the unexpended balance of an appropriation made in this
23 act from the general fund shall revert:

24 (1) no later than September 30 following:

25 [~~(a) the end of fiscal year 2024 if the~~

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1 ~~project for which an appropriation was made has less than five~~
2 ~~percent of the project's total appropriation amount subject to~~
3 ~~a binding written agreement with a third party on that date;~~

4 ~~(b)]~~ (a) the end of fiscal year 2025 for
5 a project for which an appropriation was made to purchase
6 vehicles, including emergency vehicles and other vehicles that
7 require special equipment; heavy equipment; books; educational
8 technology; or other equipment or furniture that is not related
9 to a more inclusive construction or renovation project; or

10 ~~[(e)]~~ (b) the end of fiscal year 2027
11 for a project for which an appropriation was made related to an
12 inclusive construction or renovation project; or

13 (2) within six months of completion of the
14 project for any other project for which an appropriation was
15 made, but no later than the end of fiscal year 2027.

16 B. The agencies named in this 2023 act shall
17 certify to the department of finance and administration that
18 the money appropriated in this section is needed for the
19 purposes specified in the applicable section of this 2023 act.
20 If an agency has not certified the need for the appropriation
21 for a particular project by the end of fiscal year 2025, the
22 authorization for that project is void.

23 ~~[B.]~~ C. Except for appropriations to the capital
24 program fund, money from appropriations made in this act shall
25 not be used to pay indirect project costs.

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