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SENATE BILL 352

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

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 CAPITAL OUTLAY PROJECTS APPROVED 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 UNEXPENDED PROCEEDS.--

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

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1 (1) for projects for which severance tax bonds
2 were issued to match federal grants, six months after
3 completion of the projects;

4 (2) for projects for which severance tax bonds
5 were issued to purchase vehicles, including emergency vehicles
6 and other vehicles that require special equipment; heavy
7 equipment; educational technology; or other equipment or
8 furniture that is not related to a more inclusive construction
9 or renovation project, at the end of the fiscal year two years
10 following the fiscal year in which the severance tax bonds were
11 issued for the purchase; and

12 (3) for all other projects for which severance
13 tax bonds were issued, within six months of completion of the
14 project, but no later than the end of fiscal year 2012.

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 LIMITATIONS--REVERSIONS.--

21 A. Except as otherwise provided in another section
22 of this act, the unexpended balance of an appropriation from
23 the general fund or other state fund that has been changed in
24 this act shall revert to the originating fund as follows:

25 (1) for projects for which appropriations were
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1 made to match federal grants, six months after completion of
2 the project;

3 (2) for projects for which appropriations were
4 made to purchase vehicles, including emergency vehicles and
5 other vehicles that require special equipment; heavy equipment;
6 educational technology; or equipment or furniture that is not
7 related to a more inclusive construction or renovation project,
8 at the end of the fiscal year two years following the fiscal
9 year in which the appropriation was made for the purchase; and

10 (3) for all other projects for which
11 appropriations were made, within six months of completion of
12 the project, but no later than the end of fiscal year 2012.

13 B. Except as otherwise provided in another section
14 of this act, the unexpended balance of an appropriation made
15 from the general fund or other state fund to the Indian affairs
16 department or the aging and long-term services department for
17 projects located on lands of an Indian nation, tribe or pueblo
18 shall revert in a time frame set forth in Subsection A of this
19 section to the tribal infrastructure project fund.

20 C. For the purpose of this section, "unexpended
21 balance" means the remainder of an appropriation after
22 reserving for unpaid costs and expenses covered by binding
23 written obligations to third parties.

24 Section 3. GRANTS WATER WELL IMPROVE--CHANGE TO WATER
25 WELL CONSTRUCT--SEVERANCE TAX BONDS.--The unexpended balance of
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1 the appropriation to the department of environment in
2 Subsection 8 of Section 13 of Chapter 111 of Laws 2006 for
3 water well improvement in Grants in Cibola county shall not be
4 expended for the original purpose but is changed to plan,
5 design, construct and equip a water well in Grants.

6 Section 4. RAMAH NAVAJO SCHOOL GREENHOUSE RENOVATE--
7 CHANGE AGENCY--CLARIFYING PROJECT--GENERAL FUND.--The
8 unexpended balance of the appropriation to the Indian affairs
9 department for the project in Subsection 5 of Section 24 of
10 Chapter 2 of Laws 2007 for the greenhouses at the Ramah Navajo
11 school in Cibola county shall not be expended for the original
12 purpose but is appropriated to the local government division to
13 renovate the greenhouse at the Pine Hill school farm in Cibola
14 county.

15 Section 5. CURRY COUNTY ROADS 4 AND K STREETLIGHTS--
16 CHANGE TO CURRY COUNTY ROADS IMPROVE--GENERAL FUND.--The
17 unexpended balance of the appropriation to the department of
18 transportation in Subsection 21 of Section 30 of Chapter 2 of
19 Laws 2007 for streetlights and road improvements at the
20 intersection of county roads 4 and K in Curry county shall not
21 be expended for the original purpose but is changed to plan,
22 design and construct road improvements in that county.

23 Section 6. LORDSBURG MUSEUM AND PARK--CHANGE TO CITY HALL
24 BUILDING--SEVERANCE TAX BONDS.--The unexpended balance of the
25 local government division project originally authorized in Laws
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1 2005, Chapter 347, Section 11 and reauthorized in Laws 2007,
2 Chapter 341, Section 145 for improvements to the museum and a
3 park in Lordsburg in Hidalgo county shall not be expended for
4 the original or reauthorized purpose but is changed to plan,
5 design and construct a city hall building in Lordsburg.

6 Section 7. BAAHAALI CHAPTER MOTOR GRADER PURCHASE--EXTEND
7 TIME--GENERAL FUND.--The time of expenditure for the Indian
8 affairs department project in Subsection 45 of Section 50 of
9 Chapter 111 of Laws 2006 to purchase a motor grader for the
10 Baahaali chapter of the Navajo Nation in McKinley county is
11 extended through fiscal year 2010.

12 Section 8. CHICHILTAH CHAPTER WASTEWATER TREATMENT
13 SYSTEM--CHANGE TO POWER LINE EXTENSIONS--GENERAL FUND.--The
14 unexpended balance of the appropriation to the Indian affairs
15 department in Subsection 53 of Section 50 of Chapter 111 of
16 Laws 2006 for improvements to the wastewater treatment system
17 in the Chichiltah chapter of the Navajo Nation in McKinley
18 county shall not be expended for the original purpose but is
19 changed to plan, design and construct a power line extension in
20 that chapter.

21 Section 9. CHICHILTAH CHAPTER PARKING LOT PAVE--CHANGE TO
22 ROAD EQUIPMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The
23 unexpended balance of the appropriation to the Indian affairs
24 department in Subsection 70 of Section 21 of Chapter 429 of
25 Laws 2003 for paving the parking lot at the Chichiltah chapter

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1 house of the Navajo Nation in McKinley county shall not be
2 expended for the original purpose but is changed to purchase
3 road equipment for that chapter. The time of expenditure is
4 extended through fiscal year 2010.

5 Section 10. CHICHILTAH SENIOR CENTER BUILDING PURCHASE--
6 CHANGE TO BUILDING CONSTRUCT--GENERAL FUND.--The unexpended
7 balance of the appropriation to the aging and long-term
8 services department in Subsection 23 of Section 36 of Chapter
9 42 of Laws 2007 for a modular building for the senior center at
10 the Chichiltah chapter of the Navajo Nation in McKinley county
11 shall not be expended for the original purpose but is changed
12 to plan, design, construct and equip a building for the senior
13 center in that chapter.

14 Section 11. RED ROCK CHAPTER MOTOR GRADER--EXTEND TIME--
15 GENERAL FUND.--The time of expenditure for the Indian affairs
16 department project in Subsection 48 of Section 50 of Chapter
17 111 of Laws 2006 to purchase a motor grader for the Red Rock
18 chapter of the Navajo Nation in McKinley county is extended
19 through fiscal year 2010.

20 Section 12. QUAY COUNTY AGRICULTURE EDUCATIONAL CENTER--
21 EXPAND PURPOSE TO INCLUDE PURCHASING, RENOVATING AND PAYING
22 LOAN--SEVERANCE TAX BONDS.--The unexpended balance of the
23 appropriation to the local government division in Subsection
24 138 of Section 16 of Chapter 347 of Laws 2005 for offices at
25 the Quay agriculture educational center in Quay county may

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1 include purchasing, renovating and paying an existing loan to
2 the New Mexico finance authority for this project.

3 Section 13. LAS CLINICAS DEL NORTE INFO TECH--EXTEND
4 TIME--GENERAL FUND.--The time of expenditure for the local
5 government division project in Subsection 484 of Section 52 of
6 Chapter 111 of Laws 2006 for information technology for Las
7 Clinicas del Norte in Rio Arriba county is extended through
8 fiscal year 2010.

9 Section 14. AFFORDABLE HOUSING ACT PROJECTS STATEWIDE--
10 EXPAND PURPOSE--GENERAL FUND.--The unexpended balance of the
11 appropriation in Subsection 2 of Section 61 of Chapter 42 of
12 Laws 2007 for infrastructure projects statewide pursuant to the
13 Affordable Housing Act may include land, building and financing
14 pursuant to the Affordable Housing Act.

15 Section 15. DNA IDENTIFICATION SYSTEM FUND PROJECTS
16 INFORMATION TECHNOLOGY--EXPAND PURPOSE--GENERAL FUND.--The DNA
17 identification system fund project in Laws 2007, Chapter 2,
18 Section 14 to purchase and install information technology and
19 wiring, including related equipment and furniture, in jails and
20 detention centers statewide may include other locations
21 statewide pursuant to Subsection E of Section 29-16-13 NMSA
22 1978.

23 Section 16. AMALIA COMMUNITY CENTER IMPROVE--EXTEND TIME--
24 SEVERANCE TAX BONDS.--The time of expenditure for the local
25 government division project in Subsection 422 of Section 22 of
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1 Chapter 429 of Laws 2003 for improvements to the Amalia community
2 center in Taos county is extended through fiscal year 2010.

3 Section 17. PUEBLO OF PICURIS MULTIPURPOSE BUILDING--
4 EXPAND PURPOSE TO INCLUDE PAYMENT OF LOAN--GENERAL FUND.--One
5 hundred thirty thousand dollars (\$130,000) of the unexpended
6 balance of the appropriation to the Indian affairs department
7 in Subsection 150 of Section 66 of Chapter 42 of Laws 2007 to
8 repair and renovate the multipurpose building at the Pueblo of
9 Picuris in Taos county is appropriated to the state board of
10 finance to repay an emergency loan for that purpose.

11 Section 18. TRUCHAS HEALTH CENTER ROOF--EXTEND TIME--
12 SEVERANCE TAX BONDS.--The time of expenditure for the local
13 government division project in Subsection 423 of Section 22 of
14 Chapter 429 of Laws 2003 for a roof for the health centers of
15 northern New Mexico clinic in Truchas in Rio Arriba county is
16 extended through fiscal year 2010.

17 Section 19. EMERGENCY.--It is necessary for the public
18 peace, health and safety that this act take effect immediately.