

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 629

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

INTRODUCED BY

Jim R. Trujillo

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:

.176303.1

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

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
.176303.1

underscored material = new
[bracketed material] = delete

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

.176303.1

underscoring material = new
[bracketed material] = delete

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
.176303.1

underscored material = new
[bracketed material] = delete

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.

.176303.1

underscored material = new
[bracketed material] = delete

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

.176303.1

underscored material = new
[bracketed material] = delete

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

.176303.1

underscored material = new
[bracketed material] = delete

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

.176303.1

underscored material = new
[bracketed material] = delete

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
.176303.1

underscoring material = new
[bracketed material] = delete

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
.176303.1

underscoring material = new
~~[bracketed material] = delete~~

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.

9 - 11 -