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SENATE BILL 245

**53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018**

INTRODUCED BY

Carlos R. Cisneros

AN ACT

RELATING TO CAPITAL EXPENDITURES; REAUTHORIZING OR  
REAPPROPRIATING BALANCES, 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. AGUA FRIA WATER BOARD OFFICE BUILDING ROOF--**  
3 **CHANGE TO MAINTENANCE BUILDING CONSTRUCTION AND PARKING LOT**  
4 **IMPROVEMENTS--EXTEND TIME--SEVERANCE TAX BONDS.--**Thirteen  
5 thousand three hundred seventy-eight dollars (\$13,378) of the  
6 unexpended balance of the appropriation to the local government  
7 division in Subsection 206 of Section 28 of Chapter 3 of Laws  
8 2015 (S.S.) to plan, design and construct improvements and roof  
9 replacement in the Agua Fria association water board office  
10 building in the Agua Fria area of Santa Fe county shall not be  
11 expended for the original purpose but is changed to plan,  
12 design, purchase and construct a maintenance, storage and  
13 utility building and parking lot improvements at the premises  
14 of the Agua Fria association water board office building in the  
15 Agua Fria area of Santa Fe county. The time of expenditure is  
16 extended through fiscal year 2020.

17           **SECTION 4. SHONDEEN DRIVE IMPROVEMENTS ROCK SPRINGS**  
18 **CHAPTER--CHANGE TO NORTH CHAPEL HILL ROAD IMPROVEMENTS--**  
19 **SEVERANCE TAX BONDS.--**The unexpended balance of the  
20 appropriation to the department of transportation in Subsection  
21 56 of Section 24 of Chapter 81 of Laws 2016 to plan, design and  
22 construct improvements to Shondeen drive in the Rock Springs  
23 chapter of the Navajo Nation in McKinley county shall not be  
24 expended for the original purpose but is changed to plan,  
25 design and construct improvements to north Chapel Hill road in

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1 the Rock Springs chapter.

2 SECTION 5. PASEO DEL VOLCAN LOOP BYPASS--EXTEND TIME--  
3 SEVERANCE TAX BONDS.--The time of expenditure for the  
4 department of transportation project in Subsection 57 of  
5 Section 25 of Chapter 66 of Laws 2014 to acquire rights of way  
6 for and to plan, design and construct paseo del Volcan loop  
7 bypass road from Unser boulevard to interstate 40 in Bernalillo  
8 and Sandoval counties is extended through fiscal year 2020.

9 SECTION 6. ALBUQUERQUE ATRISCO ADULT DAYCARE AND RESPITE  
10 FACILITY--EXTEND TIME--SEVERANCE TAX BONDS.--The time of  
11 expenditure for the local government division project  
12 originally authorized in Subparagraph (a) of Paragraph (8) of  
13 Subsection A of Section 18 of Chapter 105 of Laws 2010 and  
14 reauthorized to the aging and long-term services department in  
15 Laws 2014, Chapter 64, Section 9 and for which the time of  
16 expenditure was extended in Laws 2016, Chapter 83, Section 9 to  
17 purchase land and a building and to plan, design, renovate,  
18 construct, furnish and equip an adult daycare and respite  
19 facility in the Atrisco community in Albuquerque in Bernalillo  
20 county is extended through fiscal year 2020.

21 SECTION 7. VIETNAM VETERANS MEMORIAL STATE PARK--CHANGE  
22 TO VIETNAM VETERANS MEMORIAL--CHANGE AGENCY--SEVERANCE TAX  
23 BONDS.--The unexpended balance of the appropriation to the  
24 state parks division of the energy, minerals and natural  
25 resources department in Subsection 1 of Section 16 of Chapter  
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1 81 of Laws 2016 to plan, design, renovate and construct  
2 improvements to the Vietnam veterans memorial state park in  
3 Colfax county shall not be expended by the state parks division  
4 but is appropriated to the capital program fund for the Vietnam  
5 veterans memorial in Colfax county.

6 SECTION 8. CLOVIS POTTER PARK IMPROVEMENTS--CHANGE TO  
7 CLOVIS LYCEUM THEATER CONSTRUCTION--SEVERANCE TAX BONDS.--The  
8 unexpended balance of the appropriation to the local government  
9 division in Subsection 101 of Section 28 of Chapter 3 of Laws  
10 2015 (S.S.) to construct and equip improvements for Potter park  
11 in Clovis in Curry county shall not be expended for the  
12 original purpose but is changed to plan, design, construct,  
13 renovate and equip the Lyceum theater in Clovis.

14 SECTION 9. RIO DE CHAMA ACEQUIAS WATER AND STORAGE  
15 RIGHTS--CHANGE TO PURCHASE OF WATER AND WATER STORAGE  
16 CONTRACT--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended  
17 balance of the appropriation to the interstate stream  
18 commission originally authorized in Subsection 10 of Section 15  
19 of Chapter 64 of Laws 2012 and reauthorized in Laws 2016,  
20 Chapter 83, Section 73 to purchase water rights and water  
21 storage rights at Abiquiu dam and El Vado dam for the Rio de  
22 Chama acequias association in the Medanales area in Rio Arriba  
23 county shall not be expended for the original or reauthorized  
24 purpose but is changed to establish a long-term water storage  
25 contract at Abiquiu and El Vado reservoirs and for a bulk

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1 purchase of water for the Rio de Chama acequias association.  
2 The time of expenditure is extended through fiscal year 2020.

3 SECTION 10. RIO ARRIBA COUNTY SALA FILANTROPICA  
4 RENOVATION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of  
5 expenditure for the local government division project in  
6 Subsection 159 of Section 22 of Chapter 66 of Laws 2014 to  
7 renovate, furnish and expand the Sala Filantropica building  
8 into a multipurpose community facility in the Embudo valley in  
9 Rio Arriba county is extended through fiscal year 2020.

10 SECTION 11. ROOSEVELT COUNTY SPECIAL HOSPITAL DISTRICT  
11 SAFETY EQUIPMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time  
12 of expenditure for the local government division project in  
13 Subsection 184 of Section 28 of Chapter 3 of Laws 2015 (S.S.)  
14 to plan, design, purchase and install safety and security  
15 equipment in the Roosevelt general hospital in the Roosevelt  
16 county special hospital district in Roosevelt county is  
17 extended through fiscal year 2020.

18 SECTION 12. LAS VEGAS BRADNER DAM CONSTRUCTION--EXTEND  
19 TIME--ATTORNEY GENERAL SETTLEMENT FUND.--The time of  
20 expenditure for the office of the state engineer project in  
21 Laws 2014, Chapter 66, Section 38 to plan, design, construct  
22 and expand Bradner dam in Las Vegas in San Miguel county is  
23 extended through fiscal year 2020.

24 SECTION 13. SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL  
25 AUTHORITY ALBERTA ROAD DRAINAGE IMPROVEMENTS PHASE 2--CHANGE TO  
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1 SARATOGA FLOOD DETENTION FACILITY CONSTRUCTION--CHANGE AGENCY--  
2 EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of  
3 the appropriation to the department of transportation in  
4 Subsection 72 of Section 25 of Chapter 66 of Laws 2014 to plan,  
5 design and construct phase 2 drainage improvements for flood  
6 control on Alberta road for the southern Sandoval county arroyo  
7 flood control authority in Rio Rancho in Sandoval county shall  
8 not be expended for the original purpose but is appropriated to  
9 the department of environment to plan, design and construct the  
10 Saratoga off-channel flood detention facility for the authority  
11 in Sandoval county.

12 SECTION 14. AGUA FRIA WATER BOARD OFFICE BUILDING ROOF--  
13 CHANGE TO SECURITY DOORS AND GATE--SEVERANCE TAX BONDS.--Seven  
14 thousand dollars (\$7,000) of the unexpended balance of the  
15 appropriation to the local government division in Subsection  
16 206 of Section 28 of Chapter 3 of Laws 2015 (S.S.) to plan,  
17 design and construct improvements and roof replacement in the  
18 Agua Fria association water board office building in the Agua  
19 Fria area of Santa Fe county shall not be expended for the  
20 original purpose but is changed for prior purchase made in 2017  
21 of security doors and a gate at the premises of the Agua Fria  
22 association water board building in the Agua Fria area of Santa  
23 Fe county.

24 SECTION 15. CLAYTON GROUND WATER MONITORING WELL--CHANGE  
25 TO CLAYTON IRRIGATION WELL AND WASTEWATER LAGOONS

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1 IMPROVEMENTS--SEVERANCE TAX BONDS.--The unexpended balance of  
2 the appropriation to the department of environment in  
3 Subsection 91 of Section 18 of Chapter 81 of Laws 2016 to plan,  
4 design and construct a ground water monitoring well in Clayton  
5 in Union county shall not be expended for the original purpose  
6 but is changed to plan, design and construct improvements to  
7 irrigation well 19AW and wastewater lagoons 1, 2, 3 and 4 in  
8 Clayton.

9 SECTION 16. CLAYTON TOWN HALL RENOVATIONS AND ROOF  
10 REPLACEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of  
11 expenditure for the local government division project in  
12 Subsection 217 of Section 22 of Chapter 66 of Laws 2014 to  
13 plan, design and construct renovations and roof replacement at  
14 the town hall in Clayton in Union county is extended through  
15 fiscal year 2020.

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