

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 936

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Roberto "Bobby" J. Gonzales

AN ACT

RELATING TO CAPITAL EXPENDITURES; REAUTHORIZING OR
REAPPROPRIATING BALANCES, EXPANDING OR CHANGING PURPOSES OR
LOCATIONS, 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:

.166361.1

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

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

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 2011.

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
.166361.1

underscored material = new
[bracketed material] = delete

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 2011.

13 B. For the purpose of this section, "unexpended
14 balance" means the remainder of an appropriation after
15 reserving for unpaid costs and expenses covered by binding
16 written obligations to third parties.

17 Section 3. LA PROMESA EARLY LEARNING CENTER FACILITIES
18 CONSTRUCT--CHANGE TO BUILDING PURCHASE--SEVERANCE TAX BONDS.--
19 The unexpended balance of the appropriation to the public
20 education department in Subsection 11 of Section 8 of Chapter
21 111 of Laws 2006 to construct facilities for La Promesa early
22 learning center charter school in the Albuquerque public school
23 district in Bernalillo county shall not be expended for the
24 original purpose but is changed to plan, design and purchase a
25 building for that school in that district.

.166361.1

underscored material = new
[bracketed material] = delete

1 Section 4. ROSWELL BRONZE PIONEER SCULPTURE--CHANGE
2 LOCATION TO CHAVES COUNTY--GENERAL FUND.--The location of the
3 local government division project in Subsection 177 of Section
4 52 of Chapter 111 of Laws 2006 to design, construct and install
5 a bronze pioneer sculpture in Roswell is changed to Chaves
6 county.

7 Section 5. SUNLAND PARK COMMUNITY CENTER--CHANGE TO
8 SPORTS COMPLEX--SEVERANCE TAX BONDS.--The unexpended balance of
9 the appropriation to the local government division of the
10 department of finance and administration in Subsection 149 of
11 Section 18 of Chapter 111 of Laws 2006 for a community center
12 in Sunland Park in Dona Ana county shall not be expended for
13 its original purpose but is changed to plan, design and
14 construct a sports complex in Sunland Park.

15 Section 6. DEMING NORTH INDUSTRIAL PARK RAILROAD
16 SWITCHES--CHANGE TO WATER SYSTEM IMPROVEMENTS--GENERAL FUND.--
17 The unexpended balance of the appropriation to the department
18 of transportation in Subsection 155 of Section 52 of Chapter
19 347 of Laws 2005 for railroad siding switches in the north
20 industrial park in Deming shall not be expended for the
21 original purpose but is appropriated to the department of
22 environment to plan, design, construct and equip water system
23 improvements in Deming in Luna county.

24 Section 7. ALAMOGORDO HIGH SCHOOL TENNIS COMPLEX--CHANGE
25 LOCATION TO CITY OF ALAMOGORDO--SEVERANCE TAX BONDS.--The

.166361.1

underscored material = new
[bracketed material] = delete

1 location of the local government division project in Subsection
2 217 of Section 18 of Chapter 111 of Laws 2006 for a tennis
3 complex in the Alamogordo public school district in Otero
4 county is changed to the city of Alamogordo.

5 Section 8. TULAROSA WASTEWATER RESERVOIRS CONSTRUCT--
6 EXPAND PURPOSE--GENERAL FUND.--The department of environment
7 project in Subsection 98 of Section 45 of Chapter 111 of Laws
8 2006 to plan, design and construct wastewater reservoirs in
9 Tularosa in Otero county may include wastewater system
10 improvements.

11 Section 9. BLOOMFIELD SIDEWALK AND BIKE LANE
12 IMPROVEMENTS--CHANGE TO NORTH FRONTIER ROADWAY IMPROVEMENTS--
13 SEVERANCE TAX BONDS.--The unexpended balance of the
14 appropriation to the department of transportation in Subsection
15 76 of Section 22 of Chapter 111 of Laws 2006 for sidewalk and
16 bike lane improvements on Third and Fourth streets in
17 Bloomfield in San Juan county shall not be expended for the
18 original purpose but is changed to plan, design and construct
19 roadway improvements to North Frontier street in Bloomfield.

20 Section 10. QUESTA MUSEUM IMPROVEMENTS--CHANGE TO MULTI-
21 USE BUILDING IMPROVEMENTS--SEVERANCE TAX BONDS.--The unexpended
22 balance of the appropriation to the local government division
23 of the department of finance and administration in Subsection
24 287 of Section 16 of Chapter 347 of Laws 2005 for museum
25 improvements in Questa in Taos county shall not be expended for

.166361.1

underscoring material = new
[bracketed material] = delete

1 the original purpose but is changed to plan, design, construct,
2 renovate, equip and furnish improvements to a multi-use
3 building in Questa.

4 Section 11. CLAYTON ARMORY RE-ROOF--CHANGE TO PROPERTY
5 RENOVATIONS--SEVERANCE TAX BONDS.--The unexpended balance of
6 the appropriation to the local government division of the
7 department of finance and administration in Subsection 247 of
8 Section 22 of Chapter 110 of Laws 2002 for the armory in
9 Clayton in Union county shall not be expended for the original
10 purpose but is changed to renovate any town-owned building or
11 property in Clayton.

12 Section 12. PROJECT SCOPE--EXPENDITURES.--If an
13 appropriation for a project authorized in this act is not
14 sufficient to complete all the purposes specified, the
15 appropriation may be expended for any portion of the purposes
16 specified in the appropriation. Expenditures shall not be made
17 for purposes other than those specified in the appropriation.

18 Section 13. ART IN PUBLIC PLACES.--Pursuant to Section
19 13-4A-4 NMSA 1978 and where applicable, the appropriations
20 authorized in this act include one percent for the art in
21 public places fund.

22 Section 14. EMERGENCY.--It is necessary for the public
23 peace, health and safety that this act take effect immediately.