

1 SENATE BILL 309

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 Nancy Rodriguez

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10 AN ACT

11 RELATING TO CAPITAL EXPENDITURES; REAUTHORIZING OR  
12 REAPPROPRIATING BALANCES, EXPANDING OR CHANGING PURPOSES,  
13 EXTENDING EXPENDITURE PERIODS, CHANGING AGENCIES AND  
14 ESTABLISHING CONDITIONS FOR THE REVERSION OR TRANSFER OF  
15 UNEXPENDED BALANCES OF APPROPRIATIONS MADE BY THE LEGISLATURE  
16 IN PRIOR YEARS; DECLARING AN EMERGENCY.

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

19 SECTION 1. SEVERANCE TAX BONDS--REVERSION OF PROCEEDS.--

20 A. Except as otherwise provided in another section  
21 of this act:

22 (1) the unexpended balance from the proceeds  
23 of severance tax bonds issued for a project that has been  
24 reauthorized in this act shall revert to the severance tax  
25 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. CLOVIS MAINSTREET DISTRICT IMPROVEMENTS--**  
3 **EXTEND TIME--GENERAL FUND.--**The time of expenditure for the  
4 local government division project in Subsection 168 of Section  
5 34 of Chapter 277 of Laws 2019 to plan, design and construct  
6 mainstreet district site, lighting and sidewalk improvements,  
7 including the purchase and installation of public art, in  
8 downtown Clovis in Curry county is extended through fiscal year  
9 2025.

10           **SECTION 4. TEXICO WATER TANK IMPROVEMENTS--EXPAND**  
11 **PURPOSE--EXTEND TIME--GENERAL FUND.--**The department of  
12 environment project in Subsection 17 of Section 26 of Chapter  
13 277 of Laws 2019 to plan, design, repair and rehabilitate a  
14 water tank in Texico in Curry county may include the repair and  
15 rehabilitation of multiple water tanks. The time of  
16 expenditure is extended through fiscal year 2025.

17           **SECTION 5. LOS ALAMOS COUNTY AFFORDABLE HOUSING**  
18 **INFRASTRUCTURE CONSTRUCTION--EXTEND TIME--GENERAL FUND.--**  
19 The time of expenditure for the local government division  
20 project in Subsection 273 of Section 34 of Chapter 277 of Laws  
21 2019 to plan, design and construct affordable housing  
22 infrastructure in Los Alamos county is extended through fiscal  
23 year 2025.

24           **SECTION 6. LAS ACEQUIAS DE PLACITAS WATER COOPERATIVE**  
25 **WATER SYSTEM IMPROVEMENTS--CHANGE TO IMPROVE ACEQUIAS AND**  
  
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1 IRRIGATION PONDS--CHANGE AGENCY--SEVERANCE TAX BONDS.--Up to  
2 one hundred thousand dollars (\$100,000) of the unexpended  
3 balance of the appropriation to the interstate stream  
4 commission in Subsection 38 of Section 29 of Chapter 53 of Laws  
5 2022 to plan, design and construct water system improvements  
6 and remediation for las acequias de Placitas water cooperative  
7 in Sandoval county shall not be expended for the original  
8 purpose but is appropriated to the local government division to  
9 plan, design and construct acequia, drainage and irrigation  
10 improvements and to make improvements to irrigation ponds for  
11 las acequias de Placitas water cooperative.

12 SECTION 7. ZAFARANO DRIVE CONSTRUCTION--CHANGE TO AGUA  
13 FRIA COMMUNITY WATER DISTRIBUTION SYSTEM CONSTRUCTION--CHANGE  
14 AGENCY--EXTEND TIME--GENERAL FUND.--The unexpended balance of  
15 the appropriation to the department of transportation in  
16 Subsection 135 of Section 40 of Chapter 277 of Laws 2019 to  
17 purchase easements and rights of way for and to plan, design,  
18 extend and construct Zafarano drive from Rufina street to Agua  
19 Fria street in Santa Fe county shall not be expended for the  
20 original purpose but is appropriated to the department of  
21 environment to acquire water rights, including applications and  
22 transfers, and to plan, design and construct improvements to  
23 water distribution systems, including well and water line  
24 extensions, for the Agua Fria community water system  
25 association in Santa Fe county. The time of expenditure is

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1 extended through fiscal year 2025.

2           **SECTION 8. ZAFARANO DRIVE CONSTRUCTION--CHANGE TO AGUA**  
3 **FRIA COMMUNITY WATER DISTRIBUTION SYSTEM CONSTRUCTION--CHANGE**  
4 **AGENCY--EXTEND TIME--GENERAL FUND.--**The unexpended balance of  
5 the appropriation to the department of transportation in  
6 Subsection 97 of Section 33 of Chapter 138 of Laws 2021 to  
7 purchase easements and rights of way for and to plan, design,  
8 extend and construct Zafarano drive from Rufina street to Agua  
9 Fria street in Santa Fe county shall not be expended for the  
10 original purpose but is appropriated to the department of  
11 environment to acquire water rights, including applications and  
12 transfers, and to plan, design and construct improvements to  
13 water distribution systems, including well and water line  
14 extensions, for the Agua Fria community water system  
15 association in Santa Fe county. The time of expenditure is  
16 extended through fiscal year 2025.

17           **SECTION 9. EL GUICU COMMUNITY DITCH IMPROVEMENTS--EXTEND**  
18 **TIME--GENERAL FUND.--**The time of expenditure for the interstate  
19 stream commission project in Subsection 58 of Section 33 of  
20 Chapter 277 of Laws 2019 to plan, design, construct, purchase,  
21 equip and make improvements, including watershed restoration  
22 and fire protection, to El Guicu community ditch in Santa Fe  
23 county is extended through fiscal year 2025.

24           **SECTION 10. EMERGENCY.--**It is necessary for the public  
25 peace, health and safety that this act take effect immediately.

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