HOUSE APPROPRIATIONS AND FINANCE COMMITTEE SUBSTITUTE FOR
HOUSE BILL 451

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
PROVIDING THAT THE TAX STABILIZATION RESERVE MAY BE EXPENDED
UPON AN APPROPRIATION BY EXTRA MAJORITY VOTE OF THE
LEGISLATURE AND A DECLARATION BY THE GOVERNOR THAT THE
EXPENDITURE IS NECESSARY FOR THE PUBLIC PEACE, HEALTH AND
SAFETY; MAKING AN APPROPRIATION; PROVIDING CONTINGENCIES.

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

Section 1. Section 6-4-2.2 NMSA 1978 (being Laws 1987,
Chapter 347, Section 3, as amended) is amended to read:

"6-4-2.2. GENERAL FUND TAX STABILIZATION RESERVE.--

A. There is created within the general fund the
"tax stabilization reserve".

B. The balance of the tax stabilization reserve
shall be those funds directed to it by law and such other

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1   funds as the legislature may appropriate from time to time to

2   the reserve.

3   C.   Except as otherwise provided in Subsection D of

4   this section, any balance of the tax stabilization reserve may

5   be:

6   (1)   appropriated only by a two-thirds

7   majority vote of both houses of the legislature following

8   receipt by the legislature of a declaration of the governor

9   that such an appropriation is necessary for the public peace,

10   health and safety; or

11   (2)   expended by the governor only:

12   (a)   pursuant to an appropriation made

13   by a two-thirds majority vote of both houses of the

14   legislature specifying the amount of the appropriation and the

15   purpose of the expenditure; and

16   (b)   if the governor declares that the

17   expenditure is necessary for the public peace, health and

18   safety.

19   D.   In the event that the general fund revenues,

20   including all transfers to the general fund authorized by law,

21   are projected by the governor to be insufficient either to

22   meet the level of appropriations authorized by law from the

23   general fund for the current fiscal year or to meet the level

24   of appropriations recommended in the budget and appropriations

25   bill submitted in accordance with Section [6-3-11.1] 6-3-21

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underscored material = new
[bracketed material] = delete

NMSA 1978 for the next fiscal year, the balance in the tax

stabilization reserve may be appropriated by the legislature

up to the amount of the projected insufficiency for either or

both fiscal years."

Section 2.   APPROPRIATION--CONTINGENCY.--

A.   Thirty million dollars ($30,000,000) is

appropriated from the tax stabilization reserve to the

department of finance and administration for expenditure in

fiscal year 2003 for the purpose of protecting, enhancing or

conserving New Mexico's water resources.   The department of

finance and administration shall transfer the appropriation to

the interstate stream commission in three separate increments

of ten million dollars ($10,000,000) upon the compliance with

the requirements of this section.   The transfer and

expenditure of each increment of ten million dollars

($10,000,000) of the appropriation is contingent upon:

(1)   a declaration by the governor pursuant to

Section 6-4-2.2 NMSA 1978 that the expenditure is necessary

for the public peace, health and safety;

(2)   a plan, prepared by the state engineer

and describing the proposed expenditures, that is approved by

the state board of finance; and

(3)   an agreement by the state board of

finance that the expenditure is necessary for the public

peace, health and safety.

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B.   Any unexpended or unencumbered balance remaining at the end of fiscal year 2003 shall revert to the tax stabilization reserve.

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