

1 HOUSE BILL 823

2 **47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006**

3 INTRODUCED BY

4 Ben Lujan

5  
6  
7  
8  
9  
10 AN ACT

11 RELATING TO ENERGY COST ASSISTANCE; PROVIDING FOR THE HUMAN  
12 SERVICES DEPARTMENT TO ADMINISTER THE LOW-INCOME HOME ENERGY  
13 ASSISTANCE PROGRAM; PROVIDING FOR A DISTRIBUTION TO THE  
14 GASOLINE AND HOME HEATING RELIEF FUND FROM THE GROSS RECEIPTS  
15 TAX; EXTENDING THE TIME FOR EXPENDITURE FROM AN APPROPRIATION;  
16 MAKING APPROPRIATIONS.

17  
18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

19 Section 1. Section 6-4-25 NMSA 1978 (being Laws 2005 (1st  
20 S.S.), Chapter 2, Section 1) is amended to read:

21 "6-4-25. GASOLINE AND HOME HEATING RELIEF FUND--  
22 CREATED.--The "gasoline and home heating relief fund" is  
23 created in the state treasury. The fund consists of  
24 distributions, appropriations, gifts, grants and donations.

25 Balances in the fund at the end of a fiscal year shall not

.161653.2

underscoring material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = delete

1 revert to the general fund. Money in the fund is appropriated  
2 to and administered by the [~~department of finance and~~  
3 ~~administration and money in the fund is subject to~~  
4 ~~appropriation by the legislature~~] following departments for the  
5 following purposes:

6 A. to the department of finance and administration  
7 to provide gasoline price rebates to New Mexico taxpayers  
8 burdened as a result of extremely high gasoline prices;

9 B. to the department of finance and administration  
10 to provide economic relief, in accordance with programs  
11 existing within New Mexico law, to New Mexico taxpayers  
12 suffering from rapidly increasing home heating costs; and

13 C. to the human services department for the low-  
14 income home energy assistance program."

15 Section 2. A new section of the Tax Administration Act is  
16 enacted to read:

17 "[NEW MATERIAL] GROSS RECEIPTS TAX DISTRIBUTION TO THE  
18 GASOLINE AND HOME HEATING RELIEF FUND.--From July 1, 2006  
19 through June 30, 2011, a distribution pursuant to Section  
20 7-1-6.1 NMSA 1978 shall be made to the gasoline and home  
21 heating relief fund for the human services department's low-  
22 income home energy assistance program in an amount equal to one  
23 million dollars (\$1,000,000) from the net receipts attributable  
24 to the gross receipts tax otherwise distributable to the  
25 general fund."

.161653.2

underscored material = new  
[bracketed material] = delete

1           Section 3. Laws 2005 (1st S.S.), Chapter 2, Section 3 is  
2 amended to read:

3           "Section 3. APPROPRIATIONS.--

4           A. The following amounts are appropriated from the  
5 general fund to the following agencies for expenditure in  
6 fiscal year 2006 for the following purposes:

7                   (1) twenty-three million dollars (\$23,000,000)  
8 to the human services department for the low-income home energy  
9 assistance program;

10                   (2) two million five hundred thousand dollars  
11 (\$2,500,000) to the department of finance and administration  
12 for weatherization programs statewide;

13                   (3) one million five hundred thousand dollars  
14 (\$1,500,000) to the department of public safety for fuel costs;

15                   (4) two million five hundred thousand dollars  
16 (\$2,500,000) to the public education department for increased  
17 heating costs for public schools;

18                   (5) two million five hundred thousand dollars  
19 (\$2,500,000) to the public education department for increased  
20 school transportation costs for public schools;

21                   (6) three million five hundred thousand  
22 dollars (\$3,500,000) to the higher education department for  
23 increased heating costs of public post-secondary educational  
24 institutions, to be distributed to each institution on a pro  
25 rata basis of the difference between fiscal year 2005 actual

.161653.2

underscored material = new  
[bracketed material] = delete

1 expenditures for that item and the fiscal year 2006 projections  
2 of expenditures as of October 5, 2005; and

3 (7) two million dollars (\$2,000,000) to the  
4 state fire marshal to be divided among the volunteer and  
5 predominantly volunteer fire departments to be used for  
6 increased fuel and heating costs; provided that the  
7 distribution shall be based on ten percent of each department's  
8 current-year distribution from the fire protection fund.

9 B. Any unexpended or unencumbered balance remaining  
10 in Paragraphs (1) and (2) of Subsection A of this section at  
11 the end of fiscal year 2006 shall not revert to the general  
12 fund.

13 [~~B.~~] C. Any unexpended or unencumbered balance in  
14 Paragraphs (3) through (7) of Subsection A of this section  
15 remaining at the end of fiscal year 2006 shall revert to the  
16 general fund."