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HOUSE BILL 311

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

INTRODUCED BY

Jimmie C. Hall

AN ACT

RELATING TO STATE EXPENDITURES; PROVIDING FOR CERTAIN
DISTRIBUTIONS, TRANSFERS AND REVERSIONS TO THE GENERAL FUND
OPERATING RESERVE OR THE APPROPRIATION ACCOUNT OF THE GENERAL
FUND FROM OTHER FUNDS AND ACCOUNTS; MAKING APPROPRIATIONS;
DECLARING AN EMERGENCY.

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

**SECTION 1. FUND AND OTHER ACCOUNT TRANSFERS AND
REVERSIONS TO GENERAL FUND--CERTAIN TAX AND SETTLEMENT
DISTRIBUTIONS TO GENERAL FUND--FISCAL YEAR 2016.--**

A. Notwithstanding any restriction on the use of
money in the funds or accounts, the following amounts from the
following funds or accounts are transferred to the general fund
operating reserve in fiscal year 2016:

(1) one million dollars (\$1,000,000) is

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1 transferred from the legislative cash balances;

2 (2) one million dollars (\$1,000,000) is
3 transferred from the attorney general's consumer settlement
4 fund;

5 (3) one million dollars (\$1,000,000) is
6 transferred from the weight distance tax identification permit
7 fund; and

8 (4) six million dollars (\$6,000,000) is
9 transferred from the delinquent property tax fund.

10 B. Three million two hundred fifty-five thousand
11 dollars (\$3,255,000) of the general fund appropriation to the
12 homeland security and emergency management department in Laws
13 2008 (2nd S.S.), Chapter 8 to plan, design and construct
14 improvements to roads, bridges and infrastructure damaged by
15 severe flooding in Lincoln and Otero counties, and for which
16 the time was extended in Laws 2013, Chapter 202, Section 28 and
17 Laws 2015, Chapter 147, Section 42, shall be transferred to the
18 general fund operating reserve on the effective date of this
19 act.

20 C. Ten million dollars (\$10,000,000) of the general
21 fund appropriation to the public education department in
22 Paragraph (2) of Subsection A of Section 1 of Chapter 191 of
23 Laws 2013 to provide supplemental special education maintenance
24 of effort funding for the state's special education maintenance
25 of effort requirement pursuant to Part B of the federal

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1 Individuals with Disabilities Education Act shall be
2 disencumbered and reverted to the general fund operating
3 reserve on the effective date of this act.

4 D. Pursuant to the provisions of Section 6-4-2.2
5 NMSA 1978, one hundred forty-seven million five hundred
6 thousand dollars (\$147,500,000) is transferred from the tax
7 stabilization reserve to the general fund operating reserve on
8 the effective date of this act.

9 SECTION 2. FUND AND OTHER ACCOUNT TRANSFERS AND
10 REVERSIONS TO GENERAL FUND--CERTAIN TAX AND SETTLEMENT
11 DISTRIBUTIONS TO GENERAL FUND--FISCAL YEAR 2017.--

12 A. Notwithstanding any restriction on the use of
13 money in the funds or accounts, the following amounts from the
14 following funds or accounts are transferred to the fiscal year
15 2017 appropriation account of the general fund:

16 (1) three million five hundred thousand
17 dollars (\$3,500,000) is transferred from the local DWI grant
18 fund;

19 (2) four million dollars (\$4,000,000) is
20 transferred from the enhanced 911 fund;

21 (3) eight million seven hundred fifty thousand
22 dollars (\$8,750,000) is transferred from the state government
23 unemployment compensation reserve fund;

24 (4) five hundred thousand dollars (\$500,000)
25 is transferred from the mortgage regulatory fund;

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- 1 (5) four hundred fifty thousand dollars
2 (\$450,000) is transferred from the insurance fraud fund;
- 3 (6) six million dollars (\$6,000,000) is
4 transferred from the worker's compensation administration fund;
- 5 (7) one million dollars (\$1,000,000) is
6 transferred from the employment security department fund of the
7 workforce solutions department;
- 8 (8) one million dollars (\$1,000,000) is
9 transferred from the rural infrastructure revolving loan fund;
- 10 (9) one hundred fifteen thousand four hundred
11 dollars (\$115,400) is transferred from the carnival ride
12 insurance fund;
- 13 (10) one million dollars (\$1,000,000) is
14 transferred from the professional engineers' and surveyors'
15 fund;
- 16 (11) one hundred twenty-four thousand seven
17 hundred dollars (\$124,700) is transferred from the Hoisting
18 Operators Safety Act fund;
- 19 (12) two hundred forty-two thousand six
20 hundred dollars (\$242,600) is transferred from the real estate
21 recovery fund;
- 22 (13) one hundred five thousand two hundred
23 dollars (\$105,200) is transferred from the construction
24 industries division publications revolving fund;
- 25 (14) eight hundred forty-eight thousand six

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1 hundred dollars (\$848,600) is transferred from the barbers and
2 cosmetologists fund;

3 (15) one hundred fifty-three thousand four
4 hundred dollars (\$153,400) is transferred from the athletic
5 commission fund;

6 (16) two hundred eleven thousand one hundred
7 dollars (\$211,100) is transferred from the counseling and
8 therapy practice board fund;

9 (17) five hundred thirty-eight thousand five
10 hundred dollars (\$538,500) is transferred from the chiropractic
11 fund;

12 (18) one hundred sixteen thousand eight
13 hundred dollars (\$116,800) is transferred from the nutrition
14 and dietetics fund;

15 (19) one hundred two thousand four hundred
16 dollars (\$102,400) is transferred from the nursing home
17 administrators fund;

18 (20) three hundred sixteen thousand six
19 hundred dollars (\$316,600) is transferred from the board of
20 examiners for occupational therapy fund;

21 (21) three hundred thousand seven hundred
22 dollars (\$300,700) is transferred from the optometry fund;

23 (22) five hundred twenty-six thousand four
24 hundred dollars (\$526,400) is transferred from the board of
25 osteopathic medical examiners fund;

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1 (23) one hundred nine thousand two hundred
2 dollars (\$109,200) is transferred from the podiatry fund;

3 (24) six hundred thirty-five thousand one
4 hundred dollars (\$635,100) is transferred from the physical
5 therapy fund;

6 (25) two hundred four thousand nine hundred
7 dollars (\$204,900) is transferred from the thanatopractice
8 license fund;

9 (26) thirty-nine thousand four hundred dollars
10 (\$39,400) is transferred from the interior design board fund;

11 (27) one hundred seventy-five thousand two
12 hundred dollars (\$175,200) is transferred from the landscape
13 architects fund;

14 (28) two hundred fifty-one thousand two
15 hundred dollars (\$251,200) is transferred from the speech
16 language pathology, audiology and hearing aid dispensers board
17 fund;

18 (29) seventy-two thousand two hundred dollars
19 (\$72,200) is transferred from the respiratory care fund;

20 (30) eighty-five thousand seven hundred
21 dollars (\$85,700) is transferred from the athletic trainer
22 practice board fund;

23 (31) sixty-five thousand two hundred dollars
24 (\$65,200) is transferred from the impaired dentists and dental
25 hygienists fund;

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1 (32) six hundred twenty-seven thousand six
2 hundred dollars (\$627,600) is transferred from the state
3 financial regulation fund; and

4 (33) three hundred forty thousand six hundred
5 dollars (\$340,600) is transferred from the regulation and
6 licensing department operating fund from the manufactured
7 housing division fees.

8 B. Nine million five hundred thousand dollars
9 (\$9,500,000) of money encumbered in the department of finance
10 and administration from appropriations made in Paragraph (5) of
11 Subsection A of Section 8 of Chapter 3 of Laws 2008 shall be
12 disencumbered and reverted to the appropriation account of the
13 general fund in fiscal year 2017.

14 C. The provisions of Section 7-1-6.38 NMSA 1978
15 notwithstanding, ten million dollars (\$10,000,000) of the
16 governmental gross receipts tax receipts earmarked for the
17 public project revolving fund administered by the New Mexico
18 finance authority shall not be deposited in that fund in fiscal
19 year 2017 but shall be deposited in the appropriation account
20 of the general fund; provided that the provisions of this
21 subsection shall not operate if the New Mexico finance
22 authority certifies to the secretary of finance and
23 administration and the chair of the legislative finance
24 committee that the tax receipts are needed to pay the principal
25 and interest on any outstanding bonds of the authority.

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D. Fifty percent of the fiscal year 2017 distribution to the state pursuant to the master settlement agreement entered into between tobacco product manufacturers and various states, including New Mexico, and executed November 23, 1998, shall be distributed to the tobacco settlement program fund; provided that this distribution is in addition to the annual distribution from the tobacco settlement permanent fund to the tobacco settlement program fund.

SECTION 3. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.