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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) from  
the New Mexico medical board fund; and

(2) three hundred thousand dollars  
(\$300,000) from the fund of the board of examiners for  
architects.

B. Three million two hundred fifty-five thousand  
dollars (\$3,255,000) of the general fund appropriation to the  
homeland security and emergency management department in Laws  
2008 (2nd S.S.), Chapter 8 to plan, design and construct  
improvements to roads, bridges and infrastructure damaged by

1 severe flooding in Lincoln and Otero counties, and for which  
2 the time was extended in Laws 2013, Chapter 202, Section 28  
3 and Laws 2015, Chapter 147, Section 42, shall be transferred  
4 to the general fund operating reserve on the effective date  
5 of this act.

6 C. The total general fund appropriation of  
7 thirty-six million dollars (\$36,000,000) to the public  
8 education department in Laws 2013, Chapter 191 to provide  
9 supplemental special education maintenance of effort funding  
10 for the state's requirement pursuant to Part B of the federal  
11 Individuals with Disabilities Education Act shall be  
12 disencumbered and reverted to the general fund operating  
13 reserve on the effective date of this act.

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

19 E. Notwithstanding Section 66-5-44 NMSA 1978,  
20 driver safety fees or balances from driver safety fees held  
21 by the public education department in excess of the five  
22 million dollars (\$5,000,000) appropriated to the state  
23 equalization guarantee distribution in Subsection K of  
24 Section 4 of the General Appropriation Act of 2016 for use in  
25 fiscal year 2017 shall be transferred to the state support

1 reserve fund.

2 SECTION 2. FUND AND OTHER ACCOUNT TRANSFERS AND  
3 REVERSIONS TO GENERAL FUND--CERTAIN TAX AND SETTLEMENT  
4 DISTRIBUTIONS TO GENERAL FUND--FISCAL YEAR 2017.--

5 A. Notwithstanding any restriction on the use of  
6 money in the funds or accounts, the following amounts from  
7 the following funds or accounts are transferred to the fiscal  
8 year 2017 appropriation account of the general fund:

9 (1) one million dollars (\$1,000,000) is  
10 transferred from the legislative cash balances;

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

14 (3) two million dollars (\$2,000,000) is  
15 transferred from the weight distance tax identification  
16 permit fund;

17 (4) nine million dollars (\$9,000,000) is  
18 transferred from the delinquent property tax fund;

19 (5) four million dollars (\$4,000,000) is  
20 transferred from the local DWI grant fund;

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

24 (7) one million five hundred thousand  
25 dollars (\$1,500,000) is transferred from the mortgage

1 regulatory fund;

2 (8) four hundred fifty thousand dollars  
3 (\$450,000) is transferred from the insurance fraud fund;

4 (9) six million five hundred thousand  
5 dollars (\$6,500,000) is transferred from the workers'  
6 compensation administration fund;

7 (10) one million dollars (\$1,000,000) is  
8 transferred from the employment security department fund of  
9 the workforce solutions department;

10 (11) one million five hundred thousand  
11 dollars (\$1,500,000) is transferred from the rural  
12 infrastructure revolving loan fund;

13 (12) one million dollars (\$1,000,000) is  
14 transferred from the professional engineers' and surveyors'  
15 fund;

16 (13) two hundred forty-two thousand six  
17 hundred dollars (\$242,600) is transferred from the real  
18 estate recovery fund;

19 (14) one hundred five thousand two hundred  
20 dollars (\$105,200) is transferred from the construction  
21 industries division publications revolving fund;

22 (15) one million four hundred forty-eight  
23 thousand six hundred dollars (\$1,448,600) is transferred from  
24 the barbers and cosmetologists fund;

25 (16) one hundred fifty-three thousand four

1 hundred dollars (\$153,400) is transferred from the athletic  
2 commission fund;

3 (17) three hundred nineteen thousand four  
4 hundred dollars (\$319,400) is transferred from the counseling  
5 and therapy practice board fund;

6 (18) five hundred thirty-eight thousand five  
7 hundred dollars (\$538,500) is transferred from the  
8 chiropractic fund;

9 (19) one hundred sixteen thousand eight  
10 hundred dollars (\$116,800) is transferred from the nutrition  
11 and dietetics fund;

12 (20) one hundred two thousand four hundred  
13 dollars (\$102,400) is transferred from the nursing home  
14 administrators fund;

15 (21) three hundred sixteen thousand six  
16 hundred dollars (\$316,600) is transferred from the board of  
17 examiners for occupational therapy fund;

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

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

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

25 (25) six hundred thirty-five thousand one

1 hundred dollars (\$635,100) is transferred from the physical  
2 therapy fund;

3 (26) two hundred four thousand nine hundred  
4 dollars (\$204,900) is transferred from the thanatopractice  
5 license fund;

6 (27) thirty-nine thousand four hundred  
7 dollars (\$39,400) is transferred from the interior design  
8 board fund;

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

12 (29) two hundred fifty-one thousand two  
13 hundred dollars (\$251,200) is transferred from the speech  
14 language pathology, audiology and hearing aid dispensing  
15 practices board fund;

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

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

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

25 (33) one hundred thousand dollars (\$100,000)

1 is transferred from the board of acupuncture and oriental  
2 medicine fund;

3 (34) three hundred thousand dollars  
4 (\$300,000) is transferred from the psychology fund; and

5 (35) one hundred thousand dollars (\$100,000)  
6 is transferred from the board of social work examiners fund.

7 B. Eight million dollars (\$8,000,000) of prior-  
8 year budget adjustments pursuant to Subsection A of Section 9  
9 of Chapter 63 of Laws 2014 or from appropriations made in  
10 Paragraph (5) of Subsection A of Section 8 of Laws 2008 shall  
11 be reverted by each affected agency to the appropriation  
12 account of the general fund. The department of finance and  
13 administration shall work with each affected agency to ensure  
14 that unspent funds are reverted to the appropriation account  
15 after accounting for any remaining contingent liability.

16 C. Ten million dollars (\$10,000,000) is  
17 transferred from the New Mexico finance authority to the  
18 appropriation account of the general fund in fiscal year  
19 2017. Except as otherwise provided in the Tax Administration  
20 Act, the amount is from the authority's fiscal year 2016  
21 portion of the governmental gross receipts tax distributed to  
22 the authority pursuant to Section 7-1-6.38 NMSA 1978 that is  
23 not otherwise pledged for payment of obligations of the  
24 authority.

25 D. Fifty percent of the fiscal year 2017

1 distribution to the state pursuant to the master settlement  
2 agreement entered into between tobacco product manufacturers  
3 and various states, including New Mexico, and executed  
4 November 23, 1998, shall be distributed to the tobacco  
5 settlement program fund; provided that this distribution is  
6 in addition to the annual distribution from the tobacco  
7 settlement permanent fund to the tobacco settlement program  
8 fund.

9 ~~E. The economic development department shall~~  
10 ~~transfer fourteen million dollars (\$14,000,000) of~~  
11 ~~appropriations made pursuant to Item 21 of Section 5 of~~  
12 ~~Chapter 101 of Laws 2015 to the appropriation account of the~~  
13 ~~general fund on September 1, 2016 if preliminary reporting in~~  
14 ~~August 2016 for fiscal year 2016 ending balances shows~~  
15 ~~general fund reserves are less than five percent of fiscal~~  
16 ~~year 2017 general fund appropriations.~~

17 F. The reversion requirements in Sections 22-24-4  
18 and 22-25-10 NMSA 1978 or the reversion requirements of  
19 capital outlay laws notwithstanding, the balance of  
20 supplemental severance tax bond proceeds allocated to the  
21 public school capital improvements fund in calendar years  
22 2010 through 2012 that have not been expended, excluding  
23 those proceeds derived from bonds sold as long-term tax-  
24 exempt bonds, shall revert to the general fund.

1           G. The reversion requirements in Sections 22-24-4  
2 and 22-25-10 NMSA 1978 notwithstanding, four million seven  
3 hundred twenty-four thousand three hundred sixty-nine dollars  
4 thirteen cents (\$4,724,369.13) of unexpended proceeds of  
5 supplemental severance tax bonds issued in calendar years  
6 2003 and 2004 is transferred from the public school capital  
7 improvements fund to the general fund.

8           H. The provisions of Subsection B of Section  
9 7-27-10.1 NMSA 1978 notwithstanding, four million three  
10 hundred twenty-eight thousand five hundred seventy-one  
11 dollars sixty-nine cents (\$4,328,571.69) of unexpended  
12 taxable severance tax bond proceeds appropriated to the water  
13 project fund of the New Mexico finance authority is  
14 transferred from the water project fund of the New Mexico  
15 finance authority to the general fund.

16           **SECTION 3. REPEAL.--**Laws 2013, Chapter 191 is repealed.

17           **SECTION 4. EMERGENCY.--**It is necessary for the public  
18 peace, health and safety that this act take effect  
19 immediately. \_\_\_\_\_