

1 HOUSE BILL 293

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

4 Nathan P. Small

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10 AN ACT

11 RELATING TO PUBLIC FINANCE; PROVIDING THAT THE STATUTE
12 PROHIBITING THE WRONGFUL DRAWING OR PAYMENT OF WARRANTS
13 SUPERSEDES OTHER STATUTES TO THE CONTRARY.

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

16 SECTION 1. Section 8-6-7 NMSA 1978 (being Laws 1987,
17 Chapter 183, Section 1, as amended) is amended to read:

18 "8-6-7. WRONGFUL DRAWING OR PAYMENT OF WARRANT BY
19 SECRETARY OR TREASURER--PENALTY.--

20 A. [~~if~~] Notwithstanding any other provision of law
21 to the contrary, the secretary of finance and administration
22 [~~draws any~~] shall not draw a warrant on the state [~~treasurer~~]
23 treasury when [~~he~~] the secretary knows or, with the use of
24 available accounting information, should reasonably know that
25 there is an insufficient unexpended and unencumbered balance

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underscored material = new
[bracketed material] = delete

underscoring material = new
[bracketed material] = delete

1 available for the purpose for which the warrant is drawn, [~~he~~
2 ~~is in violation of this section~~] unless the warrant will be
3 redeemed using receivables accrued for that fiscal year
4 [~~pursuant to policies of the~~] in accordance with department of
5 finance and administration policy.

6 B. [~~If~~] Notwithstanding any other provision of law
7 to the contrary, the state treasurer [~~pays any~~] shall not pay a
8 warrant when [~~he~~] the state treasurer knows or, with the use of
9 available accounting information, should reasonably know that
10 there are insufficient funds available in the treasury [~~for the~~
11 ~~purpose~~] to pay the warrant, [~~he is in violation of this~~
12 ~~section~~] unless the warrant will be redeemed using receivables
13 accrued for that fiscal year [~~pursuant to policies of the~~] in
14 accordance with department of finance and administration
15 policy.

16 C. A violation of this section is punishable by a
17 fine of [~~not more than~~] one thousand dollars (\$1,000) or [~~by~~]
18 less, imprisonment for [~~not more than~~] one year or less or
19 both."