

AN ACT

RELATING TO COUNTIES; CLARIFYING THAT A COUNTY MAY ISSUE CHECKS AS WELL AS WARRANTS FOR PAYMENT OF MONEY FROM THE COUNTY TREASURY; AMENDING SECTIONS OF THE NMSA 1978.

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

Section 1. Section 4-43-2 NMSA 1978 (being Laws 1851-1852, Page 170, as amended) is amended to read:

"4-43-2. DUTIES. --The county treasurer shall keep:

- A. account of all money received and disbursed;
- B. regular accounts of all checks and warrants drawn on the treasury and paid; and
- C. the books, papers and money pertaining to his office ready for inspection by the board of county commissioners at all times."

Section 2. Section 4-45-4 NMSA 1978 (being Laws 1876, Chapter 1, Section 21, as amended) is amended to read:

"4-45-4. COUNTY ORDERS FOR PAYMENT FROM TREASURY-- FORM AND SIGNATURE. --County orders shall be signed by the chairman of the board of county commissioners or his designee and attested by the county clerk and shall specify the nature of the claim of service for which they were issued, and the money shall be paid from the county treasury on such orders and not otherwise. Money may be paid from the county treasury by check or warrant. If money is paid by check, the

check must be signed by the chairman of the board of county commissioners or his designee and the county treasurer. "

Section 3. Section 6-6-6 NMSA 1978 (being Laws 1957, Chapter 250, Section 6) is amended to read:

"6-6-6. APPROVED BUDGETS--CLAIMS OR WARRANTS IN EXCESS OF BUDGET--LIABILITY.--When any budget for a local public body has been approved and received by a local public body, it is binding upon all officials and governing authorities, and no governing authority or official shall allow or approve claims in excess thereof, and no official shall pay any check or warrant in excess thereof, and the allowances or claims or checks or warrants so allowed or paid shall be a liability against the officials so allowing or paying those claims or checks or warrants, and recovery for the excess amounts so allowed or paid may be had against the bondsmen of those officials. "

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