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SENATE BILL 120

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

William H. Payne

AN ACT

RELATING TO MILITARY AFFAIRS; ELIMINATING THE ANNUAL FUNDING
CAP FOR SERVICES, MATERIALS AND SUPPLIES IN THE NEW MEXICO
MILITARY CODE.

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

Section 1. Section 20-1-6 NMSA 1978 (being Laws 1987,
Chapter 318, Section 6, as amended) is amended to read:

"20-1-6. PAYMENTS BY STATE TREASURER--CERTIFICATES OF
INDEBTEDNESS.--

A. All compensation of personnel and all the
necessary expenses incurred in quartering, housing, caring for,
subsisting, protecting, equipping, warning for duty and
transporting such officers and members and their equipment,
including the purchase or lease of any articles of material,
equipment or supplies reasonably required, designed or needed

underscored material = new
~~[bracketed material] = delete~~

underscored material = new
[bracketed material] = delete

1 to accomplish the purpose or results desired by the governor or
2 specified in [~~his~~] the governor's call for such troops into
3 service of the state, shall be paid by the state. The state
4 treasurer, upon presentation to [~~him~~] the state treasurer of
5 vouchers and payrolls for such compensation, expenses, supplies
6 and materials, certified by the officers commanding such forces
7 and approved by the adjutant general, shall pay the vouchers
8 and payrolls out of any money available in the state treasury
9 not otherwise appropriated [~~provided that the vouchers and~~
10 ~~payrolls for such service, supplies and materials do not exceed~~
11 ~~two hundred fifty thousand dollars (\$250,000) in any one fiscal~~
12 ~~year~~].

13 B. If there is no money available in the state
14 treasury [~~which~~] that is not otherwise appropriated [~~or if the~~
15 ~~vouchers and payrolls for such service, material and supplies~~
16 ~~approach the amount of two hundred fifty thousand dollars~~
17 ~~(\$250,000)] in any one fiscal year, the state treasurer shall
18 certify such facts to the governor who shall inquire into and
19 make an estimate of the total probable cost necessary to be
20 incurred for all purposes in connection with or to accomplish
21 the purpose for which such troops were called into active
22 service. If [~~he~~] the governor deems it necessary and prudent
23 in order to provide for the public defense that such expenses
24 be incurred and that it is necessary to create an indebtedness
25 for the purpose of paying the expenses, the governor shall by~~

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1 proclamation declare an emergency to exist requiring the
2 creation of an indebtedness under Article 9, Section 7 of the
3 constitution of New Mexico in order to suppress insurrection or
4 to provide for the public defense. The governor shall order
5 the issuance of certificates of indebtedness in such amount as
6 [he] the governor deems required or necessary to provide funds
7 for the payment of [~~any~~] expenses and costs incident to or
8 connected with the emergency.

9 C. The certificates of indebtedness shall be approved
10 as to form by the attorney general. They shall be dated the
11 day of their issuance and the state board of finance shall by
12 proper resolutions prescribe the denominations of the
13 certificates, the maturity dates thereof, the rate of interest
14 they shall bear payable semiannually, the time and place of
15 payment of both principal and interest and the amount of the
16 certificates that shall be issued from time to time. The
17 certificates shall be signed by the secretary of the state
18 board of finance and the state treasurer and the coupons
19 attached thereto shall have the engraved lithographed facsimile
20 of the signature of the state treasurer thereon; provided,
21 however, that certificates purchased by the state treasurer may
22 be issued without coupons. The certificates shall be sold by
23 the state board of finance from time to time in such amounts as
24 it deems advisable, at not less than par and accrued interest
25 to date of delivery, after advertisement for a period of two

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1 weeks immediately prior to the sale in one daily newspaper in
2 the state and in some financial journal in the city and state
3 of New York; provided, however, that the state treasurer may
4 purchase the certificates as an investment of any funds in
5 [~~his~~] the state treasurer's hands available for investment and
6 in the event of any such purchase by [~~him~~] the state treasurer,
7 no advertisement shall be required. The proceeds of
8 certificates so sold shall be by the state treasurer covered
9 into a fund known as the "adjutant general emergency public
10 defense fund" and shall be expended and disbursed only in the
11 manner and for the purposes specified and provided for in
12 Chapter 20, Article 1 NMSA 1978.

13 D. A fund to be known as the "adjutant general
14 emergency public defense certificates fund" to provide for the
15 payment of interest and principal on the foregoing certificates
16 is established and, beginning with the tax levy for the year
17 following the issuance of the certificates, a tax shall be
18 levied annually in the same manner as other ad valorem taxes
19 are levied on all taxable property in the state, not to exceed
20 one-half mill on the dollar of valuation, sufficient to produce
21 the amount required to pay interest on the certificates and the
22 principal thereof at maturity, for each year prior to the
23 maturity of the certificates, which taxes when collected shall
24 be credited to the adjutant general emergency public defense
25 certificates fund. The state auditor shall each year prior to

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1 August 1 certify to the property tax division of the taxation
2 and revenue department the amount necessary to meet all
3 payments of principal and interest due on the certificates
4 during the year ending June 30 following the date of the
5 certificates.

6 E. On or before the twentieth legislative day of the
7 next legislative session following the expenditures of the sums
8 provided for in this section, the governor shall file a written
9 report with the presiding officer of each house of the
10 legislature setting forth the purpose and the amounts of money
11 expended as provided in this section.

12 F. The provisions of this section may be used for the
13 operation of the national guard or the state defense force when
14 on militia duty."