

HOUSE BILL 311

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

INTRODUCED BY

Jimmie C. Hall

This document incorporates amendments made by the House and further amendments made by the Senate. It was returned to the House with a request that the House concur with the Senate amendments. It is a tool to show the amendments in context and is not to be used for introduction, amendment or substitution.

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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~~transferred from the legislative cash balances;~~

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

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

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

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

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

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

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

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

~~————— 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 fiscal year 2017 appropriation account of the general fund:~~

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

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

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

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

.203469.3 Amendments in Context

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~~————— (5) four hundred fifty thousand dollars (\$450,000) is transferred from the insurance fraud fund;~~

~~————— (6) six million dollars (\$6,000,000) is transferred from the worker's compensation administration fund;~~

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

~~————— (8) one million dollars (\$1,000,000) is transferred from the rural infrastructure revolving loan fund;~~

~~————— (9) one hundred fifteen thousand four hundred dollars (\$115,400) is transferred from the carnival ride insurance fund;~~

~~————— (10) one million dollars (\$1,000,000) is transferred from the professional engineers' and surveyors' fund;~~

~~————— (11) one hundred twenty-four thousand seven hundred dollars (\$124,700) is transferred from the Hoisting Operators Safety Act fund;~~

~~————— (12) two hundred forty-two thousand six hundred dollars (\$242,600) is transferred from the real estate recovery fund;~~

~~————— (13) one hundred five thousand two hundred dollars (\$105,200) is transferred from the construction industries division publications revolving fund;~~

~~————— (14) eight hundred forty-eight thousand six~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~————— C. The provisions of Section 7-1-6.38 NMSA 1978 notwithstanding, ten million dollars (\$10,000,000) of the governmental gross receipts tax receipts earmarked for the public project revolving fund administered by the New Mexico finance authority shall not be deposited in that fund in fiscal year 2017 but shall be deposited in the appropriation account of the general fund; provided that the provisions of this subsection shall not operate if the New Mexico finance authority certifies to the secretary of finance and administration and the chair of the legislative finance committee that the tax receipts are needed to pay the principal 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 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 severe flooding in Lincoln and Otero counties, and for which

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the time was extended in Laws 2013, Chapter 202, Section 28 and Laws 2015, Chapter 147, Section 42, shall be transferred to the general fund operating reserve on the effective date of this act.

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

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

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

SECTION 2. FUND AND OTHER ACCOUNT TRANSFERS AND

REVERSIONS TO GENERAL FUND--CERTAIN TAX AND SETTLEMENT

DISTRIBUTIONS TO GENERAL FUND--FISCAL YEAR 2017.--

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 fiscal year 2017 appropriation account of the general fund:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(16) one hundred fifty-three thousand four hundred dollars (\$153,400) is transferred from the athletic

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commission fund;

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

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

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

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

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

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

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

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

(25) six hundred thirty-five thousand one hundred dollars (\$635,100) is transferred from the physical

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therapy fund;

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

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

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

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

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

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

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

(33) one hundred thousand dollars (\$100,000) is transferred from the board of acupuncture and oriental medicine fund;

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

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

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

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

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

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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.

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

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

G. The reversion requirements in Sections 22-24-4 and 22-25-10 NMSA 1978 notwithstanding, four million seven hundred twenty-four thousand three hundred sixty-nine dollars thirteen cents (\$4,724,369.13) of unexpended proceeds of supplemental severance tax bonds issued in calendar years 2003

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and 2004 is transferred from the public school capital improvements fund to the general fund.

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

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

SECTION 34. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

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