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AN ACT

RELATING TO STATE EXPENDITURES; TRANSFERRING MONEY FROM THE TOBACCO SETTLEMENT PERMANENT FUND TO THE FISCAL YEAR 2016 AND FISCAL YEAR 2017 APPROPRIATION ACCOUNTS OF THE GENERAL FUND; PROVIDING FOR CERTAIN DISTRIBUTIONS, TRANSFERS AND REVERSIONS TO THE FISCAL YEAR 2017 APPROPRIATION ACCOUNT OF THE GENERAL FUND FROM OTHER FUNDS AND ACCOUNTS; MAKING APPROPRIATIONS.

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

SECTION 1. Section 6-4-9 NMSA 1978 (being Laws 1999, Chapter 207, Section 1, as amended) is amended to read:

"6-4-9. TOBACCO SETTLEMENT PERMANENT FUND--INVESTMENT--DISTRIBUTION.--

A. The "tobacco settlement permanent fund" is created in the state treasury. The fund shall consist of money distributed 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 or any money released to the state from a qualified escrow fund or otherwise paid to the state as authorized by Sections 6-4-12 and 6-4-13 NMSA 1978, enacted pursuant to the master settlement agreement or as otherwise authorized by law. Money in the fund shall be invested by the state investment officer in accordance with the limitations in Article 12, Section 7 of the constitution

1 of New Mexico. Income from investment of the fund shall be
2 credited to the fund. Money in the fund shall not be
3 expended for any purpose, except as provided in this section.

4 B. In fiscal year 2007 and in each fiscal year
5 thereafter, an annual distribution shall be made from the
6 tobacco settlement permanent fund to the tobacco settlement
7 program fund of an amount equal to fifty percent of the total
8 amount of money distributed to the tobacco settlement
9 permanent fund in that fiscal year until that amount is less
10 than an amount equal to four and seven-tenths percent of the
11 average of the year-end market values of the tobacco
12 settlement permanent fund for the immediately preceding five
13 calendar years. Thereafter, the amount of the annual
14 distribution shall be four and seven-tenths percent of the
15 average of the year-end market values of the tobacco
16 settlement permanent fund for the immediately preceding five
17 calendar years. In the event that the actual amount
18 distributed to the tobacco settlement program fund in a
19 fiscal year is insufficient to meet appropriations from that
20 fund for that fiscal year, the secretary of finance and
21 administration shall proportionately reduce each
22 appropriation accordingly.

23 C. In addition to the distribution made pursuant
24 to Subsection B of this section, in fiscal years 2009 through
25 2013 and 2016, the remaining fifty percent of the total

1 amount of money distributed to the tobacco settlement
2 permanent fund in that fiscal year shall be distributed from
3 the tobacco settlement permanent fund to the tobacco
4 settlement program fund.

5 D. In addition to the distribution made pursuant
6 to Subsections B and E of this section, in fiscal year 2014,
7 twenty-five percent of the total amount of money distributed
8 pursuant to the master settlement agreement to the tobacco
9 settlement permanent fund in that fiscal year shall be
10 distributed from the tobacco settlement permanent fund to the
11 lottery tuition fund.

12 E. In addition to the distribution made pursuant
13 to Subsections B and D of this section, in fiscal year 2014,
14 twenty-five percent of the total amount of money distributed
15 to the tobacco settlement permanent fund in that fiscal year
16 shall be distributed from the tobacco settlement permanent
17 fund to the tobacco settlement program fund for appropriation
18 for direct services provided by early childhood care and
19 education programs administered by the children, youth and
20 families department.

21 F. The tobacco settlement permanent fund is a
22 reserve fund of the state. Money in the tobacco settlement
23 permanent fund may be expended:

24 (1) in the event that general fund balances,
25 including all authorized revenues and transfers to the

1 general fund and balances in the general fund operating
2 reserve, the appropriation contingency fund and the tax
3 stabilization reserve, will not meet the level of
4 appropriations authorized from the general fund for a fiscal
5 year. In that event, in order to avoid an unconstitutional
6 deficit, the legislature may authorize a transfer from the
7 tobacco settlement permanent fund to the general fund but
8 only in an amount necessary to meet general fund
9 appropriations; or

10 (2) as provided in Section 2 of this 2016
11 act."

12 SECTION 2. TOBACCO SETTLEMENT PERMANENT FUND TRANSFER
13 TO THE GENERAL FUND--FISCAL YEARS 2016 AND 2017.--The
14 governor, with state board of finance approval, may transfer
15 from the tobacco settlement permanent fund:

16 A. to the fiscal year 2016 appropriation account
17 of the general fund, the amount necessary to meet the
18 appropriations authorized by law from the general fund for
19 fiscal year 2016, but not exceeding two hundred nineteen
20 million four hundred thousand dollars (\$219,400,000); and

21 B. to the fiscal year 2017 appropriation account
22 of the general fund, the amount necessary to meet the
23 appropriations authorized by law from the general fund for
24 fiscal year 2017, but not exceeding two hundred nineteen
25 million four hundred thousand dollars (\$219,400,000) less the

1 amount transferred pursuant to Subsection A of this section.

2 SECTION 3. FUND AND OTHER ACCOUNT TRANSFERS AND
3 REVERSIONS TO GENERAL FUND--FISCAL YEAR 2017.--

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

8 (1) two million dollars (\$2,000,000) is
9 transferred from the legislative cash balances;

10 (2) one hundred thousand dollars (\$100,000)
11 is transferred from the municipal court automation fund;

12 (3) one hundred thousand dollars (\$100,000)
13 is transferred from the water rights adjudication fund of the
14 administrative office of the courts;

15 (4) three million six hundred forty-five
16 thousand dollars (\$3,645,000) is transferred from the local
17 DWI grant fund;

18 (5) six million dollars (\$6,000,000) is
19 transferred from the enhanced 911 fund;

20 (6) six million dollars (\$6,000,000) is
21 transferred from the public school insurance fund; provided
22 that the amount transferred shall not include money:

23 (a) identified by the board of
24 directors of the public school insurance authority as long-
25 term reserves of the authority; or

1 (b) reserved for group health insurance
2 or due process reimbursement;

3 (7) two million six hundred thousand dollars
4 (\$2,600,000) is transferred from the state purchasing
5 enterprise fund of the general services department;

6 (8) one million dollars (\$1,000,000) is
7 transferred from the public property reserve fund;

8 (9) seven million five hundred thousand
9 dollars (\$7,500,000) is transferred from the public liability
10 fund;

11 (10) three million dollars (\$3,000,000) is
12 transferred from the workers' compensation retention fund;

13 (11) six hundred forty-eight thousand one
14 hundred dollars (\$648,100) is transferred from the public
15 accountancy fund;

16 (12) two hundred forty-nine thousand five
17 hundred dollars (\$249,500) is transferred from the board of
18 acupuncture and oriental medicine fund;

19 (13) one hundred seventy-two thousand seven
20 hundred dollars (\$172,700) is transferred from the athletic
21 commission fund;

22 (14) thirty-two thousand five hundred
23 dollars (\$32,500) is transferred from the athletic trainer
24 practice board fund;

25 (15) nine hundred thirty-five thousand seven

1 hundred dollars (\$935,700) is transferred from the barbers
2 and cosmetologists fund;

3 (16) two hundred forty-nine thousand five
4 hundred dollars (\$249,500) is transferred from the body art
5 practitioners fund;

6 (17) one hundred eighty-one thousand five
7 hundred dollars (\$181,500) is transferred from the
8 chiropractic fund;

9 (18) five hundred sixty-three thousand two
10 hundred dollars (\$563,200) is transferred from the counseling
11 and therapy practice board fund;

12 (19) eighteen thousand nine hundred dollars
13 (\$18,900) is transferred from the landscape architects fund;

14 (20) three hundred twenty-seven thousand one
15 hundred dollars (\$327,100) is transferred from the massage
16 therapy fund;

17 (21) fifty-six thousand three hundred
18 dollars (\$56,300) is transferred from the nursing home
19 administrators fund;

20 (22) sixty thousand five hundred dollars
21 (\$60,500) is transferred from the nutrition and dietetics
22 fund;

23 (23) one hundred sixty-one thousand five
24 hundred dollars (\$161,500) is transferred from the board of
25 examiners for occupational therapy fund;

1 (24) thirty-five thousand eight hundred
2 dollars (\$35,800) is transferred from the optometry fund;

3 (25) fifty-seven thousand two hundred
4 dollars (\$57,200) is transferred from the osteopathic medical
5 examiners fund;

6 (26) three hundred twenty-nine thousand
7 seven hundred dollars (\$329,700) is transferred from the
8 physical therapy fund;

9 (27) one hundred fifty-seven thousand eight
10 hundred dollars (\$157,800) is transferred from the psychology
11 fund;

12 (28) four hundred seventeen thousand six
13 hundred dollars (\$417,600) is transferred from the appraiser
14 fund;

15 (29) six hundred twenty-one thousand four
16 hundred dollars (\$621,400) is transferred from the real
17 estate commission fund;

18 (30) one hundred fourteen thousand five
19 hundred dollars (\$114,500) is transferred from the
20 respiratory care fund;

21 (31) three hundred four thousand dollars
22 (\$304,000) is transferred from the board of social work
23 examiners fund;

24 (32) two hundred eighty-three thousand four
25 hundred dollars (\$283,400) is transferred from the speech-

1 language pathology, audiology and hearing aid dispensing
2 practices board fund;

3 (33) one hundred four thousand one hundred
4 dollars (\$104,100) is transferred from the funeral services
5 fund;

6 (34) five hundred ninety-eight thousand
7 eight hundred dollars (\$598,800) is transferred from the
8 board of dental health care fund;

9 (35) one million four hundred sixty-five
10 thousand nine hundred dollars (\$1,465,900) is transferred
11 from the pharmacy fund;

12 (36) five hundred thousand dollars
13 (\$500,000) is transferred from the New Mexico medical board
14 fund;

15 (37) two million nine hundred forty-four
16 thousand eight hundred dollars (\$2,944,800) is transferred
17 from the professional engineers' and surveyors' fund;

18 (38) five hundred thousand dollars
19 (\$500,000) is transferred from the interim receipts and
20 disbursements fund;

21 (39) eight hundred thousand dollars
22 (\$800,000) is transferred from the trauma system fund;

23 (40) one million dollars (\$1,000,000) is
24 transferred from the rural infrastructure revolving loan
25 fund;

1 (41) three million dollars (\$3,000,000) is
2 transferred from the state air quality permit fund;

3 (42) five million dollars (\$5,000,000) is
4 transferred from the college affordability endowment fund;

5 (43) three million dollars (\$3,000,000) is
6 transferred from the post-secondary educational institution
7 fund;

8 (44) six hundred thirty-two thousand six
9 hundred dollars (\$632,600) is transferred from the capital
10 projects fund;

11 (45) two million five hundred thousand
12 dollars (\$2,500,000) is transferred from the art in public
13 places fund;

14 (46) one million dollars (\$1,000,000) is
15 transferred from the workers' compensation administration
16 fund;

17 (47) three hundred thousand dollars
18 (\$300,000) is transferred from the trail safety fund;

19 (48) one million dollars (\$1,000,000) is
20 transferred from the public buildings repair fund;

21 (49) five hundred thousand dollars
22 (\$500,000) is transferred from the state transportation pool
23 account of the general services department;

24 (50) three hundred thousand dollars
25 (\$300,000) is transferred from the litter control and

1 beautification fund;

2 (51) eight hundred thousand dollars
3 (\$800,000) is transferred from the corrective action fund;
4 and

5 (52) one million dollars (\$1,000,000) is
6 transferred from the concealed handgun carry fund.

7 B. The following appropriations to the public
8 education department to meet special education maintenance of
9 effort requirements pursuant to the federal Individuals with
10 Disabilities Education Act shall be disencumbered and
11 transferred to the fiscal year 2017 appropriation account of
12 the general fund:

13 (1) the total general fund appropriation of
14 ten million dollars (\$10,000,000) in Laws 2013, Chapter 227,
15 Section 4;

16 (2) three million one hundred thousand
17 dollars (\$3,100,000) of the total general fund appropriation
18 in Item (73) of Section 5 of Chapter 227 of Laws 2013; and

19 (3) the total general fund appropriation of
20 three million dollars (\$3,000,000) in Item (75) of Section 5
21 of Chapter 63 of Laws 2014.

22 C. Notwithstanding provisions in Sections 6-21-6,
23 6-21-6.1 and 6-21-6.2 NMSA 1978 to the contrary, fifteen
24 million five hundred thousand dollars (\$15,500,000) shall be
25 transferred from the public project revolving fund to the

1 fiscal year 2017 appropriation account of the general fund;
2 provided that, except as otherwise provided in the Tax
3 Administration Act, the amount transferred is from the fiscal
4 year 2017 portion of the governmental gross receipts tax
5 distributed to the public project revolving fund pursuant to
6 Section 7-1-6.38 NMSA 1978 and that is not otherwise pledged
7 for payment of obligations of the New Mexico finance
8 authority. _____

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