

1 SENATE BILL 133

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

3 INTRODUCED BY

4 George K. Munoz

5
6
7
8
9
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.

14
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

.205380.2SA

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."