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HOUSE BILL 662

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Stevan Pearce

AN ACT

RELATING TO MILITARY AFFAIRS; CONCERNING CERTIFICATES OF
INDEBTEDNESS; AMENDING SECTION 20-1-6 NMSA 1978 (BEING LAWS
1987, CHAPTER 318, SECTION 6).

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) 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

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1 to accomplish the purpose or results desired by the governor
2 or specified in his call for such troops into service of the
3 state, shall be paid by the state. The state treasurer, upon
4 presentation to him of vouchers and payrolls for such
5 compensation, expenses, supplies and materials, certified by
6 the officers commanding such forces and approved by the
7 adjutant general, shall pay the vouchers and payrolls out of
8 any money available in the state treasury not otherwise
9 appropriated, provided that the vouchers and payrolls for such
10 service, supplies and materials do not exceed [~~one hundred~~
11 ~~thousand dollars (\$100,000)~~] two hundred fifty thousand
12 dollars (\$250,000) in any one fiscal year.

13 B. If there is no money available in the state
14 treasury which is not otherwise appropriated or if the
15 vouchers and payrolls for such service, material and supplies
16 approach the amount of [~~one hundred thousand dollars~~
17 ~~(\$100,000)~~] two hundred fifty thousand dollars (\$250,000) in
18 any one fiscal year, the state treasurer shall certify such
19 facts to the governor who shall inquire into and make an
20 estimate of the total probable cost necessary to be incurred
21 for all purposes in connection with or to accomplish the
22 purpose for which such troops were called into active service.
23 If he deems it necessary and prudent in order to provide for
24 the public defense that such expenses be incurred and that it
25 is necessary to create an indebtedness for the purpose of

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

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

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

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

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1 the adjutant general emergency public defense certificates
2 fund. The state auditor shall each year prior to August 1
3 certify to the property tax division of the taxation and
4 revenue department the amount necessary to meet all payments
5 of principal and interest due on the certificates during the
6 year ending June 30 following the date of the certificates.

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

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

16 Section 2. EFFECTIVE DATE. --The effective date of the
17 provisions of this act is July 1, 1999.

1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999
3
4
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6 February 20, 1999
7

8 Mr. Speaker:
9

10 Your APPROPRIATIONS AND FINANCE COMMITTEE, to
11 whom has been referred
12

13 HOUSE BILL 662
14

15 has had it under consideration and reports same with
16 recommendation that it DO PASS, amended as follows:

- 17 1. On page 1, line 13, before the period insert “;
18 DECLARING AN EMERGENCY”.
- 19
- 20 2. On page 5, lines 16 and 17, strike Section 2 in its
21 entirety and insert in lieu thereof: “Section 2. EMERGENCY.--It
22 is necessary for the public peace, health and safety that this
23 act take effect immediately.”.
- 24
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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

Page 7

Respectfully submitted,

Max Coll, Chairman

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

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The roll call vote was 12 For 0 Against

Yes: 12

Excused: Abeyta, Marquardt, Parsons, Wallace, Watchman

Absent: None

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

March 1, 1999

Mr. President:

Your FINANCE COMMITTEE, to whom has been referred

HOUSE BILL 662, as amended

has had it under consideration and reports same with
recommendation that it DO PASS.

Respectfully submitted,

Ben D. Altamirano, Chairman

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

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Adopted _____ Not

Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 7 For 0 Against

Yes: 7

No: 0

Excused: Carraro, Eisenstadt, Ingle, Lyons, McKibben, Tsosie

Absent: None

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