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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  
to accomplish the purpose or results desired by the governor  
or specified in the governor's call for such troops into  
service of the state, shall be paid by the state. The state  
treasurer, upon presentation to the state treasurer of  
vouchers and payrolls for such compensation, expenses,  
supplies and materials, certified by the officers commanding  
such forces and approved by the adjutant general, shall pay  
the vouchers and payrolls out of any money available in the  
state treasury not otherwise appropriated; provided that the

1 vouchers and payrolls for such service, supplies and  
2 materials do not exceed one million dollars (\$1,000,000) in  
3 any one fiscal year.

4 B. If there is no money available in the state  
5 treasury that is not otherwise appropriated or if the  
6 vouchers and payrolls for such service, material and supplies  
7 approach the amount of one million dollars (\$1,000,000) in  
8 any one fiscal year, the state treasurer shall certify such  
9 facts to the governor who shall inquire into and make an  
10 estimate of the total probable cost necessary to be incurred  
11 for all purposes in connection with or to accomplish the  
12 purpose for which such troops were called into active  
13 service. If the governor deems it necessary and prudent in  
14 order to provide for the public defense that such expenses be  
15 incurred and that it is necessary to create an indebtedness  
16 for the purpose of paying the expenses, the governor shall by  
17 proclamation declare an emergency to exist requiring the  
18 creation of an indebtedness under Article 9, Section 7 of the  
19 constitution of New Mexico in order to suppress insurrection  
20 or to provide for the public defense. The governor shall  
21 order the issuance of certificates of indebtedness in such  
22 amount as the governor deems required or necessary to provide  
23 funds for the payment of expenses and costs incident to or  
24 connected with the emergency.

25 C. The certificates of indebtedness shall be

1 approved as to form by the attorney general. They shall be  
2 dated the day of their issuance and the state board of  
3 finance shall by proper resolutions prescribe the  
4 denominations of the certificates, the maturity dates  
5 thereof, the rate of interest they shall bear payable  
6 semiannually, the time and place of payment of both principal  
7 and interest and the amount of the certificates that shall be  
8 issued from time to time. The certificates shall be signed  
9 by the secretary of the state board of finance and the state  
10 treasurer and the coupons attached thereto shall have the  
11 engraved lithographed facsimile of the signature of the state  
12 treasurer thereon; provided, however, that certificates  
13 purchased by the state treasurer may be issued without  
14 coupons. The certificates shall be sold by the state board  
15 of finance from time to time in such amounts as it deems  
16 advisable, at not less than par and accrued interest to date  
17 of delivery, after advertisement for a period of two weeks  
18 immediately prior to the sale in one daily newspaper in the  
19 state and in some financial journal in the city and state of  
20 New York; provided, however, that the state treasurer may  
21 purchase the certificates as an investment of any funds in  
22 the state treasurer's hands available for investment and in  
23 the event of any such purchase by the state treasurer, no  
24 advertisement shall be required. The proceeds of  
25 certificates so sold shall be by the state treasurer covered

1 into a fund known as the "adjutant general emergency public  
2 defense fund" and shall be expended and disbursed only in the  
3 manner and for the purposes specified and provided for in  
4 Chapter 20, Article 1 NMSA 1978.

5 D. A fund to be known as the "adjutant general  
6 emergency public defense certificates fund" to provide for  
7 the payment of interest and principal on the foregoing  
8 certificates is established and, beginning with the tax levy  
9 for the year following the issuance of the certificates, a  
10 tax shall be levied annually in the same manner as other ad  
11 valorem taxes are levied on all taxable property in the  
12 state, not to exceed one-half mill on the dollar of  
13 valuation, sufficient to produce the amount required to pay  
14 interest on the certificates and the principal thereof at  
15 maturity, for each year prior to the maturity of the  
16 certificates, which taxes when collected shall be credited to  
17 the adjutant general emergency public defense certificates  
18 fund. The state auditor shall each year prior to August 1  
19 certify to the property tax division of the taxation and  
20 revenue department the amount necessary to meet all payments  
21 of principal and interest due on the certificates during the  
22 year ending June 30 following the date of the certificates.

23 E. On or before the twentieth legislative day of  
24 the next legislative session following the expenditures of  
25 the sums provided for in this section, the governor shall

1 file a written report with the presiding officer of each  
2 house of the legislature setting forth the purpose and the  
3 amounts of money expended as provided in this section.

4 F. The provisions of this section may be used for  
5 the operation of the national guard or the state defense  
6 force when on militia duty." \_\_\_\_\_

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