



The Legislature
of the
State of New Mexico

49th Legislature, 1st Session

LAWS 2009

CHAPTER 2

HOUSE APPROPRIATIONS AND FINANCE COMMITTEE

SUBSTITUTE FOR HOUSE BILL 10, with emergency clause

Introduced by

PARTIAL VETO

EMERGENCY CLAUSE



Chapter 2

AN ACT

1
2 RELATING TO STATE EXPENDITURES; ENACTING NEW SECTIONS OF THE
3 GENERAL APPROPRIATION ACT OF 2008 TO REDUCE CERTAIN GENERAL
4 FUND APPROPRIATIONS FOR FISCAL YEAR 2009 AND TO PROVIDE FOR
5 ADDITIONAL BUDGET ADJUSTMENT AUTHORITY; DECLARING AN
6 EMERGENCY.

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

9 Section 1. A new section of the General Appropriation
10 Act of 2008 is enacted to read:

11 "APPROPRIATION REDUCTIONS.--

12 A. Except as provided in Subsections B through G
13 of this section, all amounts set out under the general fund
14 column in Section 4 of the General Appropriation Act of 2008
15 are reduced by two and one-half percent rounded to the nearest
16 one hundred dollars (\$100).

17 B. In lieu of the reduction made in Subsection A
18 of this section and except as provided in Subsection G of this
19 section, the general fund appropriations in Section 4 of the
20 General Appropriation Act of 2008 to the following agencies
21 are reduced by the specified percentage, rounded to the
22 nearest one hundred dollars (\$100):

23 (1) the personnel board, the public employee
24 labor relations board, the regulation and licensing
25 department, the energy, minerals and natural resources

1 department, the state engineer and the department of
2 environment are reduced by five percent;

3 (2) the economic development department is
4 reduced by three and nine-tenths percent;

5 (3) the public education department is
6 reduced by three and eight-tenths percent;

7 (4) the taxation and revenue department, the
8 cultural affairs department and the aging and long-term
9 services department are reduced by three percent;

10 (5) the veterans' services department is
11 reduced by two and four-tenths percent;

12 (6) the workforce solutions department is
13 reduced by two and one-tenth percent;

14 (7) the district attorneys, the
15 administrative office of the district attorneys, the public
16 defender department, the children, youth and families
17 department, the corrections department and the department of
18 public safety are reduced by one and nine-tenths percent;

19 (8) the vocational rehabilitation division
20 is reduced by one and eight-tenths percent;

21 (9) the developmental disabilities planning
22 council is reduced by one and six-tenths percent;

23 (10) the supreme court law library, the New
24 Mexico compilation commission, the judicial standards
25 commission, the court of appeals, the supreme court, the

1 administrative office of the courts, the supreme court
2 building commission, the district courts and the Bernalillo
3 county metropolitan court are reduced by one and four-tenths
4 percent; and

5 (11) the appropriation to the lieutenant
6 governor is not reduced.

7 C. In lieu of the reduction made in Subsection A
8 of this section, the general fund appropriations in Section 4
9 of the General Appropriation Act of 2008 to the medical
10 assistance program of the human services department and the
11 medicaid behavioral health program of the human services
12 department are reduced by one percent rounded to the nearest
13 one hundred dollars (\$100).

14 D. After the reduction pursuant to Subsection C of
15 this section, the general fund appropriation in Section 4 of
16 the General Appropriation Act of 2008 to the medical
17 assistance program of the human services department in the
18 other category is further reduced by twenty-four million five
19 hundred fifty thousand dollars (\$24,550,000).

20 E. After the reduction pursuant to Subsection A of
21 this section, the general fund appropriation in Section 4 of
22 the General Appropriation Act of 2008 to the transportation
23 distribution for public schools is further reduced by four
24 million dollars (\$4,000,000).

25 F. After the reductions pursuant to Subsections A HAFC/HB 10
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1 through E of this section, the total appropriation from the
2 general fund to each agency and institution in Section 4 of
3 the General Appropriation Act of 2008 is further reduced by an
4 amount equal to two and one-half percent of that agency's or
5 institution's allocation of the compensation appropriation
6 made in Section 8 of that act. The reductions shall be made
7 using the same methodology used by the department of finance
8 and administration and the higher education department in
9 allocating the compensation appropriation. Each agency and
10 institution shall use program transfers, category transfers,
11 cash balances, vacancy savings and other available funds to
12 provide the increases provided for in Section 8 of the General
13 Appropriation Act of 2008 and Laws 2008, Chapter 6, Section
14 43.

15 **BR** ~~G. A reduction to an appropriation, otherwise~~
16 ~~required by Subsection A or B of this section, shall not be~~
17 ~~made if the state budget division of the department of finance~~
18 ~~and administration determines that:~~

19 ~~(1) the appropriation is to the department~~
20 ~~of finance and administration, the public education department~~
21 ~~or the higher education department;~~

22 ~~(2) the purpose of the appropriation is for~~
23 ~~the department of finance and administration, the public~~
24 ~~education department or the higher education department to:~~

25 ~~(a) distribute the money appropriated~~

1 ~~to another public entity or association of public entities~~
2 ~~that is named in the appropriation; or~~

3 ~~(b) expend the money appropriated on~~
4 ~~goods, services or memberships provided by another public~~
5 ~~entity or association of public entities that is named in the~~
6 ~~appropriation; and~~

7 ~~(3) the money was distributed or expended~~
8 ~~prior to January 1, 2009.~~ *W*

9 H. Where required as part of the operating budget
10 approval process, the state budget division of the department
11 of finance and administration shall reduce all appropriations
12 set out under the other state funds, internal service
13 funds/interagency transfers and federal funds columns to
14 reflect the revised general fund appropriations."

15 Section 2. A new section of the General Appropriation
16 Act of 2008 is enacted to read:

17 "ADDITIONAL FISCAL YEAR 2009 BUDGET ADJUSTMENT
18 AUTHORITY.--Subject to review and approval by the department
19 of finance and administration pursuant to Sections 6-3-23
20 through 6-3-25 NMSA 1978, during fiscal year 2009:

21 A. each agency may request category transfers
22 between any categories of a program and between programs. The
23 authority granted by this subsection is in addition to the
24 budget adjustment authority granted in Section 10 of the
25 General Appropriation Act of 2008; and

1 B. a program with internal service
2 funds/interagency transfers appropriations or other state
3 funds appropriations that collects money in excess of the
4 amounts appropriated may request budget increases in an amount
5 not to exceed five percent of its internal funds/interagency
6 transfers or other state funds appropriations contained in
7 Section 4 of the General Appropriation Act of 2008. The
8 authority granted by this subsection is in lieu of the budget
9 increase authority granted in Subsection D of Section 10 of
10 the General Appropriation Act of 2008."

11 Section 3. EMERGENCY.--It is necessary for the public
12 peace, health and safety that this act take effect
13 immediately.

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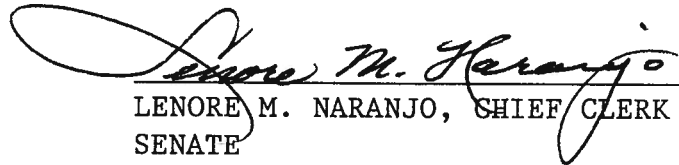
BEN LUJAN, SPEAKER
HOUSE OF REPRESENTATIVES



STEPHEN R. ARIAS, CHIEF CLERK
HOUSE OF REPRESENTATIVES



DIANE D. DENISH, PRESIDENT
SENATE



LENORE M. NARANJO, CHIEF CLERK
SENATE

Approved by me this 6th day of February, 2009



BILL RICHARDSON, GOVERNOR
STATE OF NEW MEXICO