



The Legislature
of the
State of New Mexico

49th Legislature, 1st Special Session

LAWS 2009

CHAPTER 2

HOUSE BILL 3, as amended,

with emergency clause

Introduced by

REPRESENTATIVE BEN LUJAN



EMERGENCY CLAUSE

CHAPTER 2

AN ACT

TRANSFERRING MONEY TO THE GENERAL FUND; VOIDING CERTAIN FISCAL
YEAR 2008 APPROPRIATIONS; DECLARING AN EMERGENCY.

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

Section 1. FUND TRANSFERS.--

A. Notwithstanding statutory restrictions on the
use of money in the following funds, the following amounts are
transferred to the general fund:

(1) one million dollars (\$1,000,000) is
transferred from legislative cash balances;

(2) one hundred thousand dollars (\$100,000)
is transferred from the magistrate court mediation fund;

(3) five hundred thousand dollars (\$500,000)
is transferred from the allocations to the administrative
office of the courts from the water project fund;

(4) one hundred fifty thousand dollars
(\$150,000) is transferred from the metropolitan court warrant
enforcement fund;

(5) one hundred thousand dollars (\$100,000)
is transferred from the metropolitan court mediation fund;

(6) one hundred fifty thousand dollars
(\$150,000) is transferred from the alternative dispute
resolution fund of the third judicial district;

~~BR (7) five hundred thousand dollars (\$500,000) BR~~ HB 3

1 ~~is transferred from the audit fund,~~

2 (8) one million one hundred thousand dollars
3 (\$1,100,000) is transferred from the property valuation fund;

4 (9) one million five hundred thousand
5 dollars (\$1,500,000) is transferred from the electronic voting
6 system revolving fund;

7 ~~(10) five hundred thousand dollars~~
8 ~~(\$500,000) is transferred from the domestic violence offender~~
9 ~~treatment or intervention fund;~~

10 ~~(11) three million dollars (\$3,000,000) is~~
11 ~~transferred from the enhanced 911 fund;~~

12 (12) four hundred twelve thousand dollars
13 (\$412,000) is transferred from the public election fund;

14 (13) twenty-five thousand dollars (\$25,000)
15 is transferred from the state employees' career development
16 conference fund;

17 (14) one hundred thousand dollars (\$100,000)
18 is transferred from the securities education and training
19 fund;

20 (15) one hundred seventy-two thousand
21 dollars (\$172,000) is transferred from the real estate
22 recovery fund;

23 (16) one hundred thousand dollars (\$100,000)
24 is transferred from the barbers and cosmetologists fund;

25 (17) three hundred thousand dollars

1 (\$300,000) is transferred from the massage therapy fund;

2 (18) five hundred thousand dollars

3 (\$500,000) is transferred from the counseling and therapy
4 practice board fund;

5 (19) two hundred thousand dollars (\$200,000)
6 is transferred from the chiropractic fund;

7 (20) two hundred thousand dollars (\$200,000)
8 is transferred from the psychology fund;

9 (21) two hundred thousand dollars (\$200,000)
10 is transferred from the physical therapy fund;

11 (22) two hundred thousand dollars (\$200,000)
12 is transferred from the private investigations fund;

13 (23) four hundred thousand dollars
14 (\$400,000) is transferred from the public accountancy fund;

15 (24) one million five hundred thousand
16 dollars (\$1,500,000) is transferred from the real estate
17 commission fund;

18 (25) six hundred fifty thousand dollars
19 (\$650,000) is transferred from the board of social work
20 examiners fund;

21 (26) one million dollars (\$1,000,000) is
22 transferred from the New Mexico medical board fund;

23 (27) seven hundred fifty thousand dollars
24 (\$750,000) is transferred from the board of nursing fund;

25 (28) six hundred thousand dollars (\$600,000)

1 is transferred from the office of cultural affairs fund;

2 ~~(29) eight hundred thousand dollars~~
3 ~~(\$800,000) is transferred from the trail safety fund;~~

4 (30) one hundred fifty thousand dollars
5 (\$150,000) is transferred from the mining act fund;

6 (31) five hundred thousand dollars
7 (\$500,000) is transferred from the oil and gas reclamation
8 fund;

9 (32) five hundred thousand dollars
10 (\$500,000) is transferred from the employment security
11 department fund;

12 (33) three million five hundred thousand
13 dollars (\$3,500,000) is transferred from the workers'
14 compensation administration fund;

15 (34) one million dollars (\$1,000,000) is
16 transferred from the uninsured employers' fund;

17 (35) two million five hundred thousand
18 dollars (\$2,500,000) is transferred from the hazardous waste
19 emergency fund;

20 (36) one hundred fifty thousand dollars
21 (\$150,000) is transferred from the natural resources trustee
22 fund;

23 ~~(37) two hundred fifty thousand dollars~~
24 ~~(\$250,000) is transferred from the children, youth and~~
25 ~~families pre-kindergarten fund;~~

1 (38) two hundred fifty thousand dollars
2 (\$250,000) is transferred from the juvenile continuum grant
3 fund;

4 (39) one million one hundred seventy-six
5 thousand dollars (\$1,176,000) is transferred from the juvenile
6 community corrections grant fund;

7 (40) one million five hundred thousand
8 dollars (\$1,500,000) is transferred from the community
9 corrections grant fund;

10 (41) one million five hundred thousand
11 dollars (\$1,500,000) is transferred from the corrections
12 department intensive supervision fund;

13 (42) one million dollars (\$1,000,000) is
14 transferred from the crime laboratory fund;

15 (43) five hundred thousand dollars
16 (\$500,000) is transferred from the concealed handgun carry
17 fund;

18 (44) nine hundred seventy-three thousand
19 dollars (\$973,000) is transferred from the educational
20 technology deficiency correction fund;

21 (45) one million nine hundred thousand
22 dollars (\$1,900,000) is transferred from the instructional
23 material fund;

24 ~~br (46) one million four hundred fifty thousand~~
25 ~~two hundred dollars (\$1,450,200) is transferred from the~~ *br*

1 ~~public pre-kindergarten fund;~~ *bf*

2 (47) sixty-eight million dollars
3 (\$68,000,000) is transferred from the college affordability
4 endowment fund;

5 (48) two million eight hundred forty-eight
6 thousand seven hundred dollars (\$2,848,700) is transferred
7 from the higher education performance fund;

8 (49) three hundred fourteen thousand one
9 hundred dollars (\$314,100) is transferred from the higher
10 education endowment fund; and

11 (50) one hundred seventy-one thousand three
12 hundred thirty-seven dollars (\$171,337) is transferred from
13 the higher education program development enhancement fund.

14 B. One million two hundred thousand dollars
15 (\$1,200,000) is transferred to the general fund from revenue
16 generated from antitrust cases and consumer protection
17 settlements through the attorney general on behalf of the
18 state, political subdivisions or private citizens.

19 C. One hundred thousand dollars (\$100,000) is
20 transferred to the general fund from cash balances of the
21 energy, minerals and natural resources department's mine
22 reclamation program relating to hard rock and coal mining.

23 D. Notwithstanding the provisions of Paragraph
24 (10) of Subsection A of Section 66-6-23 NMSA 1978, one million
25 seven hundred thousand dollars (\$1,700,000) collected pursuant

1 to Subsection D of Section 66-5-44 NMSA 1978 is transferred to
2 the general fund.

3 E. Five million dollars (\$5,000,000) is
4 transferred to the general fund from the cash balances of the
5 higher education department's special programs fund, related
6 to student financial aid programs.

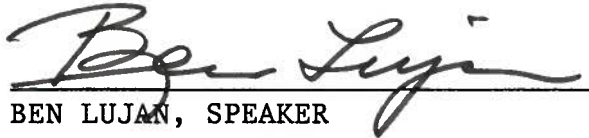
7 Section 2. FISCAL YEAR 2008 UNSPENT APPROPRIATIONS--
8 APPROPRIATION VOID.--The following appropriations in Section 7
9 of Chapter 3 of Laws 2008 are void:

10 A. six hundred sixty-seven thousand dollars
11 (\$667,000) to the taxation and revenue department to begin
12 replacement of the oil and natural gas accounting and
13 reporting database with commercial off-the-shelf solutions;
14 and

15 B. five hundred fifty thousand dollars (\$550,000)
16 to the department of health for continued implementation of
17 electronic medical records and health information exchange.

18 Section 3. EMERGENCY.--It is necessary for the public
19 peace, health and safety that this act take effect
20 immediately.

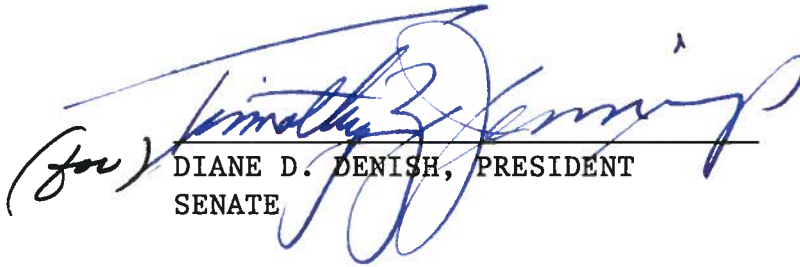
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BEN LUJAN, SPEAKER
HOUSE OF REPRESENTATIVES



STEPHEN R. ARIAS, CHIEF CLERK
HOUSE OF REPRESENTATIVES

(for) 

DIANE D. DENISH, PRESIDENT
SENATE



LENORE M. NARANJO, CHIEF CLERK
SENATE

Approved by me this 9th day of November, 2009



BILL RICHARDSON, GOVERNOR
STATE OF NEW MEXICO

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SECRETARY OF STATE

State of New Mexico

Office of the Governor

Bill Richardson
Governor

November 9, 2009

HOUSE EXECUTIVE MESSAGE NO. 3

The Honorable Ben Luján and
Members of the House of Representatives
State Capitol Bldg.
Santa Fe, New Mexico 87501

Honorable Speaker Luján and Members of the House:

I have this day SIGNED

HOUSE BILL 3, as amended, with emergency clause

enacted by the Forty-Ninth Legislature, First Special Session, 2009, except the following item or items, part or parts, which I hereby veto pursuant to the authority granted me in Article IV, Section 22 of the Constitution of New Mexico:

On page 1, I have vetoed all of line 25, and on page 2, I have vetoed all of line 1. The audit fund's balances are insufficient to support the proposed \$500,000 transfer to the general fund.

On page 2, I have vetoed all of lines 7 through 9, which would have transferred \$500,000 from the domestic violence offender treatment or intervention fund to the general fund. Preventing domestic violence has been a priority of my Administration. Hard economic times can increase the prevalence of domestic violence. With demand for these services potentially increasing, now is simply not the time to reduce funding for domestic violence programs.

On page 2, I have vetoed all of lines 10 through 11, which would have transferred \$3 million from the enhanced 911 fund to the general fund. New Mexico's \$888,893 federal grant for enhanced 911 would have been terminated had this transfer occurred. Funding losses of this magnitude would have affected the long-term viability of the enhanced 911 fund, dangerously undermining the State's ability to enhance and maintain its emergency response capabilities.

House Executive Message 3

November 9, 2009

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On page 4, I have vetoed all of lines 2 through 3, which would have transferred \$800,000 from the trail safety fund to the general fund. This program has just started. Depriving it of funds at this time would have unacceptably impeded the program's progress.

On page 4, I have vetoed all of lines 23 through 25, which would have transferred \$250,000 from the children, youth and families pre-kindergarten fund to the general fund. Every day brings fresh evidence of the individual and social dividends that pre-kindergarten investment yields. Like the proposed transfer from the public pre-kindergarten fund, which I have also vetoed, this transfer is not necessary.

On page 5, I have vetoed all of lines 24 through 25, and on page 6, I have vetoed all of line 1, which would have transferred \$1,450,200 from the public pre-kindergarten fund to the general fund, for the reasons stated above.

Respectfully yours,



Bill Richardson
Governor

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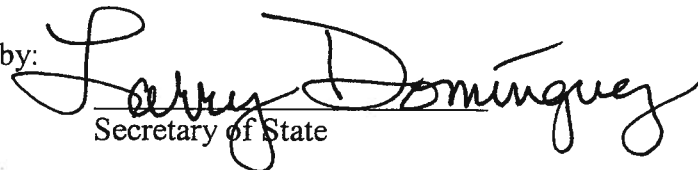
Time: _____ a.m./p.m.
Date: _____ 2009

by:

Chief Clerk of the House

Time: 4:20 a.m. (p.m.)
Date: 11/9 2009

by:



Secretary of State