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HOUSE BILL 2

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Henry 'Kiki' Saavedra

AN ACT

MAKING GENERAL APPROPRIATIONS AND AUTHORIZING EXPENDITURES BY
STATE AGENCIES REQUIRED BY LAW.

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

Section 1. SHORT TITLE.--This act may be cited as the
"General Appropriation Act of 2009".

Section 2. DEFINITIONS.--As used in the General
Appropriation Act of 2009:

A. "agency" means an office, department, agency,
institution, board, bureau, commission, court, district
attorney, council or committee of state government;

B. "federal funds" means any payments by the United
States government to state government or agencies except those
payments made in accordance with the federal Mineral Lands
Leasing Act;

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1 C. "general fund" means that fund created by
2 Section 6-4-2 NMSA 1978 and includes federal Mineral Lands
3 Leasing Act receipts and those payments made in accordance with
4 federal block grants and the federal Workforce Investment Act,
5 but excludes the general fund operating reserve, the
6 appropriation contingency fund, the tax stabilization reserve
7 and any other fund, reserve or account from which general
8 appropriations are restricted by law;

9 D. "interagency transfers" means revenue, other
10 than internal service funds, legally transferred from one
11 agency to another;

12 E. "internal service funds" means:

13 (1) revenue transferred to an agency for the
14 financing of goods or services to another agency on a
15 cost-reimbursement basis; and

16 (2) unreserved undesignated fund balances in
17 agency internal service fund accounts appropriated by the
18 General Appropriation Act of 2009;

19 F. "other state funds" means:

20 (1) unreserved undesignated fund balances in
21 agency accounts, other than in internal service fund accounts,
22 appropriated by the General Appropriation Act of 2009;

23 (2) all revenue available to agencies from
24 sources other than the general fund, internal service funds,
25 interagency transfers and federal funds; and

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1 (3) all revenue, the use of which is
2 restricted by statute or agreement; and

3 G. "revenue" means all money received by an agency
4 from sources external to that agency, net of refunds and other
5 correcting transactions, other than from issue of debt,
6 liquidation of investments or as agent or trustee for other
7 governmental entities or private persons.

8 Section 3. GENERAL PROVISIONS.--

9 A. For fiscal year 2010, appropriations are made as
10 set out in Section 4 of the General Appropriation Act of 2009
11 from the general fund, internal service funds and interagency
12 transfers or other state funds as indicated to state agencies
13 named or for the purposes expressed, or so much thereof as may
14 be necessary, within available revenue and unreserved
15 undesignated fund balances.

16 B. Unreserved undesignated fund balances in agency
17 accounts remaining at the end of fiscal year 2010 shall revert
18 to the general fund by September 30, 2010, unless otherwise
19 indicated in the General Appropriation Act of 2009 or otherwise
20 provided by law.

21 C. The state budget division of the department of
22 finance and administration shall monitor revenue received by
23 agencies from sources other than the general fund and shall
24 reduce the operating budget of any agency whose revenue from
25 such sources is not meeting projections.

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1 D. Except as otherwise specifically stated in the
2 General Appropriation Act of 2009, appropriations are made in
3 that act for the expenditures of agencies and for other
4 purposes as required by existing law for fiscal year 2010. If
5 any other act of the first session of the forty-ninth
6 legislature changes existing law with regard to the name or
7 responsibilities of an agency or the name or purpose of a fund
8 or distribution, the appropriation made in the General
9 Appropriation Act of 2009 shall be transferred from the agency,
10 fund or distribution to which an appropriation has been made as
11 required by existing law to the appropriate agency, fund or
12 distribution provided by the new law.

13 E. Pursuant to Sections 6-3-23 through 6-3-25 NMSA
14 1978, the state budget division may approve increases in
15 budgets for state agencies whose revenues from other state
16 funds, internal service funds and interagency transfers exceed
17 amounts specified in the General Appropriation Act of 2009. If
18 approved by the state budget division, such increases in other
19 state funds, internal service funds and interagency transfers
20 are hereby appropriated.

21 F. For the purpose of administering the General
22 Appropriation Act of 2009, the state of New Mexico shall follow
23 the modified accrual basis of accounting for governmental funds
24 in accordance with the manual of model accounting practices
25 issued by the department of finance and administration.

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1 G. When approving budgets based on appropriations
2 in the General Appropriation Act of 2009, the state budget
3 division is specifically authorized to approve budgets in
4 accordance with generally accepted accounting principles, and
5 the authority to extend the availability period of an
6 appropriation through the use of an encumbrance shall follow
7 the modified accrual basis of accounting for governmental funds
8 in accordance with the manual of model accounting practices
9 issued by the department of finance and administration.

10 H. Laws 2008, Chapter 3, Section 4 is repealed
11 effective July 1, 2009.

12 Section 4. FISCAL YEAR 2010 APPROPRIATIONS.--

13 A. LEGISLATIVE.--Nineteen million one hundred
14 twenty-seven thousand nine hundred dollars (\$19,127,900) is
15 appropriated from the general fund to the legislative council
16 service for allocation to legislative agencies in fiscal year
17 2010.

18 B. JUDICIAL.--Two hundred fifteen million two
19 hundred seven thousand seven hundred dollars (\$215,207,700)
20 from the general fund, seventeen million six hundred sixty-six
21 thousand five hundred dollars (\$17,666,500) from other state
22 funds, nine million six hundred seventy-three thousand eight
23 hundred dollars (\$9,673,800) from internal service
24 funds/interagency transfers and two million two hundred
25 twenty-seven thousand one hundred dollars (\$2,227,100) from

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1 federal funds is appropriated to the administrative office of
2 the courts for allocation to judicial agencies in fiscal year
3 2010.

4 C. GENERAL CONTROL.--Two hundred four million seven
5 hundred ninety-four thousand three hundred dollars
6 (\$204,794,300) from the general fund, one billion two hundred
7 fifty-eight million two hundred fifty-five thousand eight
8 hundred dollars (\$1,258,255,800) from other state funds,
9 fifty-two million four hundred seventy-six thousand six hundred
10 dollars (\$52,476,600) from internal service funds/interagency
11 transfer and seventeen million eight hundred ninety-seven
12 thousand eight hundred dollars (\$17,897,800) from federal funds
13 is appropriated to the department of finance and administration
14 for allocation to general control agencies in fiscal year 2010.

15 D. COMMERCE AND INDUSTRY.--Sixty million five
16 hundred ninety-three thousand six hundred dollars (\$60,593,600)
17 from the general fund, forty-seven million five hundred
18 seventeen thousand one hundred dollars (\$47,517,100) from other
19 state funds, eighteen million three hundred ten thousand seven
20 hundred dollars (\$18,310,700) from internal service
21 funds/interagency transfers and six hundred eighty-nine
22 thousand nine hundred dollars (\$689,900) from federal funds is
23 appropriated to the department of finance and administration
24 for allocation to commerce and industry agencies in fiscal year
25 2010.

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1 E. AGRICULTURE, ENERGY AND NATURAL RESOURCES.--
2 Eighty-seven million one hundred nineteen thousand one hundred
3 dollars (\$87,119,100) from the general fund, eighty-six million
4 sixty-seven thousand five hundred dollars (\$86,067,500) from
5 other state funds, eighteen million four hundred seventeen
6 thousand three hundred dollars (\$18,417,300) from internal
7 service funds/interagency transfers and thirty-three million
8 two hundred ninety-two thousand seven hundred dollars
9 (\$33,292,700) from federal funds is appropriated to the
10 department of finance and administration for allocation to
11 agriculture, energy and natural resource agencies in fiscal
12 year 2010.

13 F. HEALTH, HOSPITALS AND HUMAN SERVICES.--One
14 billion four hundred ninety-eight million four hundred
15 seventy-nine thousand five hundred dollars (\$1,498,479,500)
16 from the general fund, two hundred ninety-two million four
17 hundred thousand seven hundred dollars (\$292,400,700) from
18 other state funds, three hundred eight million nine hundred
19 thirty-eight thousand six hundred dollars (\$308,938,600) from
20 internal service funds/interagency transfers and three billion
21 four hundred thirty-eight million seven hundred twenty-two
22 thousand six hundred dollars (\$3,438,722,600) from federal
23 funds is appropriated to the department of finance and
24 administration for allocation to health, hospitals and human
25 services agencies in fiscal year 2010.

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1 G. PUBLIC SAFETY.--Four hundred nine million three
2 hundred sixty-two thousand six hundred dollars (\$409,362,600)
3 from the general fund, thirty million six hundred sixty-nine
4 thousand seven hundred dollars (\$30,669,700) from other state
5 funds, eleven million two hundred eleven thousand three hundred
6 dollars (\$11,211,300) from internal service funds/interagency
7 transfers and seventy-two million eighty-nine thousand eight
8 hundred dollars (\$72,089,800) from federal funds is
9 appropriated to the department of finance and administration
10 for allocation to public safety agencies in fiscal year 2010.

11 H. TRANSPORTATION.--One million dollars
12 (\$1,000,000) from the general fund, four hundred thirty-six
13 million three hundred ninety-four thousand three hundred
14 dollars (\$436,394,300) from other state funds and three hundred
15 forty-eight million four hundred seventy-nine thousand seven
16 hundred dollars (\$348,479,700) from federal funds is
17 appropriated to the department of finance and administration
18 for allocation to transportation agencies in fiscal year 2010.

19 I. OTHER EDUCATION.--Sixty million eight hundred
20 thirty thousand six hundred dollars (\$60,830,600) from the
21 general fund, seventeen million nine hundred thirty-four
22 thousand four hundred dollars (\$17,934,400) from other state
23 funds and thirty-nine million six hundred sixty-four thousand
24 seven hundred dollars (\$39,664,700) from federal funds is
25 appropriated to the department of finance and administration

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1 for allocation to other education agencies in fiscal year 2010.

2 J. HIGHER EDUCATION.--Eight hundred sixty-seven
3 million eight hundred fifty-four thousand nine hundred dollars
4 (\$867,854,900) from the general fund, one billion three hundred
5 seventeen million seven hundred fifty thousand five hundred
6 dollars (\$1,317,750,500) from other state funds, forty million
7 five hundred sixty-six thousand five hundred dollars
8 (\$40,566,500) from internal service funds/interagency transfers
9 and five hundred thirty-four million five hundred seventy-five
10 thousand eight hundred dollars (\$534,575,800) from federal
11 funds is appropriated to the higher education department for
12 expenditure or allocation to higher education agencies in
13 fiscal year 2010.

14 K. PUBLIC SCHOOL SUPPORT.--Two billion four hundred
15 seventy-one million two hundred twenty-six thousand seven
16 hundred dollars (\$2,471,226,700) from the general fund, eight
17 hundred fifty thousand dollars (\$850,000) from other state
18 funds and four hundred sixty-two million three hundred
19 ninety-two thousand dollars (\$462,392,000) from federal funds
20 is appropriated to the public education department for
21 expenditure or allocation to public school districts in fiscal
22 year 2010.

23 Section 5. APPROPRIATION ADJUSTMENTS.--

24 A. The state budget division of the department of
25 finance and administration shall reduce agency general fund

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1 appropriations set out in Section 4 of the General
2 Appropriation Act of 2009 by one million eighty-three thousand
3 nine hundred dollars (\$1,083,900) to reflect reduced department
4 of information technology telecommunications rates.

5 B. The state budget division of the department of
6 finance and administration shall reduce agency general fund
7 appropriations set out in Section 4 of the General
8 Appropriation Act of 2009 by one million two hundred sixteen
9 thousand one hundred dollars (\$1,216,100) to reflect reduced
10 general services department risk insurance premiums.

11 C. The state budget division of the department of
12 finance and administration shall reduce agency general fund
13 appropriations set out in Section 4 of the General
14 Appropriation Act of 2009 by ten million fifty-nine thousand
15 six hundred dollars (\$10,059,600) to reflect reduced general
16 services department group health insurance premiums.

17 Section 6. TRANSFER AUTHORITY.--If revenue and transfers
18 to the general fund as of the end of fiscal year 2009 are not
19 sufficient to meet appropriations, the governor, with state
20 board of finance approval, may transfer at the end of that year
21 the amount necessary to meet the year's obligations from the
22 unexpended balance remaining in the general fund operating
23 reserve in a total not to exceed one hundred million dollars
24 (\$100,000,000).

25 Section 7. SEVERABILITY.--If any part or application of

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1 this act is held invalid, the remainder or its application to
2 other situations or persons shall not be affected.

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