

AN ACT

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

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

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

"APPROPRIATION REDUCTIONS.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(a) distribute the money appropriated~~

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

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

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

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

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

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

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

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

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

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