

1 SENATE BILL 9

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SPECIAL SESSION, 2016**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO STATE EXPENDITURES; REDUCING LEGISLATIVE
12 APPROPRIATIONS IN LAWS 2016, CHAPTER 1; ENACTING A NEW SECTION
13 OF THE GENERAL APPROPRIATION ACT OF 2016 TO REDUCE CERTAIN
14 GENERAL FUND APPROPRIATIONS FOR FISCAL YEAR 2017; MAKING AN
15 APPROPRIATION; DECLARING AN EMERGENCY.

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

18 SECTION 1. LEGISLATIVE BRANCH APPROPRIATION REDUCTIONS.--

19 The appropriations made from the general fund in Laws 2016,
20 Chapter 1, Sections 3 through 8 are reduced by two and one-half
21 percent rounded to the nearest one hundred dollars (\$100). To
22 meet the reductions required by this section and maintain
23 government efficiency, the New Mexico legislative council shall
24 determine the amount of reduction applied to each legislative
25 agency and purpose and may transfer amounts from any of the

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1 appropriations in Laws 2016, Chapter 1 to any other legislative
2 appropriation where they may be amended.

3 SECTION 2. A new section of the General Appropriation Act
4 of 2016 is enacted to read:

5 "[NEW MATERIAL] APPROPRIATION REDUCTIONS.--

6 A. Except as provided in Subsections B through I of
7 this section, all amounts set out under the general fund column
8 in Section 4 of the General Appropriation Act of 2016 are
9 reduced by five percent rounded to the nearest one hundred
10 dollars (\$100).

11 B. The general fund appropriations in Section 4 of
12 the General Appropriation Act of 2016 to the supreme court law
13 library, judicial standards commission, court of appeals,
14 supreme court, administrative office of the courts, supreme
15 court building commission, district courts, Bernalillo county
16 metropolitan court, district attorneys, administrative office
17 of the district attorneys and public defender department are
18 reduced by three percent rounded to the nearest one hundred
19 dollars (\$100).

20 C. The general fund appropriations in Section 4 of
21 the General Appropriation Act of 2016 to the following are
22 reduced by two and one-half percent rounded to the nearest one
23 hundred dollars (\$100):

- 24 (1) legislative building services;
- 25 (2) for the human services department:

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- 1 (a) program support;
 - 2 (b) the child support enforcement
 - 3 program;
 - 4 (c) the income support program; and
 - 5 (d) the behavioral health services
 - 6 program; and
 - 7 (3) for the department of health:
 - 8 (a) the public health program;
 - 9 (b) the epidemiology and response
 - 10 program;
 - 11 (c) the laboratory services program;
 - 12 (d) the health certification, licensing
 - 13 and oversight program; and
 - 14 (e) the administration program.
- 15 D. The general fund appropriations in Section 4 of
- 16 the General Appropriation Act of 2016 to the following are
- 17 reduced by one and one-half percent rounded to the nearest one
- 18 hundred dollars (\$100):
- 19 (1) for the cultural affairs department:
 - 20 (a) the museums and historic sites
 - 21 program;
 - 22 (b) the preservation program;
 - 23 (c) the library services program;
 - 24 (d) the arts program; and
 - 25 (e) program support;

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- 1 (2) for the children, youth and families
2 department:
3 (a) the juvenile justice facilities
4 program;
5 (b) the behavioral health services
6 program; and
7 (c) program support;
8 (3) for the corrections department:
9 (a) the inmate management and control
10 program;
11 (b) the community offender management
12 program; and
13 (c) program support; and
14 (4) for the department of public safety:
15 (a) the law enforcement program;
16 (b) the statewide law enforcement
17 support program; and
18 (c) program support.

19 E. The general fund appropriations in Section 4 of
20 the General Appropriation Act of 2016 to the following are not
21 reduced:

- 22 (1) for the human services department:
23 (a) the medical assistance program; and
24 (b) medicaid behavioral health program;
25 (2) for the department of health:

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1 (a) the facilities management program;

2 and

3 (b) the developmental disabilities

4 support program;

5 (3) the veterans' services department;

6 (4) for the children, youth and families

7 department:

8 (a) the protective services program; and

9 (b) the early childhood services

10 program;

11 (5) for the legislative council service, the
12 energy council dues; and

13 (6) for the public education department, the
14 special appropriations made in Subparagraphs (e), (j) and (k).

15 F. The general fund appropriations in Section 4 of
16 the General Appropriation Act of 2016 to the following are
17 reduced as follows:

18 (1) public education department special
19 appropriations made in Subparagraphs (a) through (d), (f)
20 through (i) and (l) through (t) are reduced by twenty-five
21 million dollars (\$25,000,000) in the aggregate;

22 (2) the state equalization guarantee
23 distribution for public school support is reduced by thirty-
24 seven million eight hundred thousand dollars (\$37,800,000);
25 provided that the secretary of public education may reset the

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1 unit value to account for the reduction provided for in this
2 paragraph; and

3 (3) the transportation distribution,
4 supplemental distribution, instructional material fund, dual-
5 credit instructional materials, Indian education fund and
6 standards-based assessments are reduced by thirty-three million
7 dollars (\$33,000,000) in the aggregate.

8 G. Notwithstanding the provisions of the Public
9 School Finance Act and the Instructional Material Law, the use
10 of cash balances derived from general fund appropriations for
11 instructional materials and school transportation made in
12 fiscal year 2016 and previous fiscal years shall not be
13 restricted in fiscal year 2017 and may be transferred to the
14 operational fund. The public education department shall
15 provide the legislative finance committee and the legislative
16 education study committee with a report on the amount spent and
17 transferred from the cash balances.

18 H. Notwithstanding the provisions of the Public
19 School Capital Improvements Act and the Public School Buildings
20 Act, property tax revenue generated from an election pursuant
21 to these acts in fiscal year 2017 or previous fiscal years or
22 cash balances derived from property taxes imposed pursuant to
23 these acts in previous fiscal years may be used for any
24 purpose; provided that, if a new purpose is designated that
25 does not conform with the original resolution, a new resolution

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1 shall be submitted to the qualified electors prior to
2 repurposing any property tax revenue imposed pursuant to the
3 acts.

4 I. Notwithstanding the provisions of the
5 Instructional Material Law, a school district or charter school
6 may use up to one hundred percent of its 2017 instructional
7 material allocation or cash balances derived from prior
8 allocations for instructional materials and other classroom
9 materials without restrictions on the use of funds established
10 in Subsection C of Section 22-15-9 NMSA 1978; provided that the
11 funds are used for instructional materials and other classroom
12 materials as defined in Section 22-15-2 NMSA 1978."

13 SECTION 3. A new section of the General Appropriation Act
14 of 2016 is enacted to read:

15 "[NEW MATERIAL] OPERATING BUDGETS AND ALLOTMENTS REDUCED
16 TO COMPLY--DEPARTMENT OF FINANCE AND ADMINISTRATION.--The
17 department of finance and administration and, for legislative
18 branch reductions, the New Mexico legislative council shall
19 reduce fiscal year 2017 operating budgets and adjust allotments
20 to comply with the provisions of this 2016 act and may reduce
21 appropriations from other state funds, internal
22 service/interagency transfers and federal funds as necessary to
23 match the general fund reductions in the fiscal year 2017
24 operating budgets. The legislative finance committee shall
25 review the adjusted operating budgets in a timely manner."

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