

HOUSE APPROPRIATIONS AND FINANCE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 840

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

AN ACT

RELATING TO STATE BUDGETS; PROVIDING THAT THE LIMITATION ON  
EXPENDITURES BY STATE AGENCIES DURING THE FIRST HALF OF A  
FISCAL YEAR APPLIES ONLY IN FISCAL YEARS IN WHICH THERE IS A  
GUBERNATORIAL ELECTION.

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

Section 1. Section 6-3-6 NMSA 1978 (being Laws 1957,  
Chapter 253, Section 7, as amended) is amended to read:

"6-3-6. STATE BUDGET DIVISION--PERIODIC ALLOTMENTS.--

A. The state budget division, subject to the  
approval of the secretary of finance and administration, is  
authorized to provide regulations for the periodic allotment of  
funds that may be expended by any state agency.

B. The expenditures of any state agency, as defined  
in Section [~~11-4-1.1 NMSA 1953~~] 6-3-1 NMSA 1978, for the first  
.178553.1

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1 ~~[six-months]~~ six-month period of each ~~[odd-numbered]~~ fiscal  
2 year in which there is a gubernatorial election shall be  
3 limited to one-half of the appropriation or approved budget,  
4 whichever is less, for that fiscal year. This restriction  
5 ~~[shall]~~ does not apply to those agencies whose operations are  
6 more efficiently measured by periods other than a fiscal year,  
7 including but not limited to the New Mexico legislative  
8 council, legislative committees, ~~[the inter-tribal Indian~~  
9 ~~ceremonial]~~ the intertribal ceremonial office and the New  
10 Mexico state fair. Expenditures of ~~[the inter-tribal Indian~~  
11 ~~ceremonial and]~~ the intertribal ceremonial office and the New  
12 Mexico state fair shall be governed by regulation of the  
13 department of finance and administration. The department of  
14 finance and administration may also allow expenditure of more  
15 than one-half of the appropriation or approved budget for:

16 (1) those programs for which the level of  
17 expenditures are significantly determined by factors beyond the  
18 agency's control, including but not limited to the number of  
19 enrollees and cost of services provided in entitlement programs  
20 such as medicaid, the population level at correctional  
21 institutions and other state institutions and facilities, and  
22 the cost of non-discretionary items needed to care for such  
23 populations, such as pharmaceuticals and food; or

24 (2) those agencies planning major expenditures  
25 for capital outlay in the first six months of the fiscal year,

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1 which would result in over-expenditure of the first six-months'  
2 allocation."

3 Section 2. EFFECTIVE DATE.--The effective date of the  
4 provisions of this act is July 1, 2009.

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