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SENATE BILL 406

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

INTRODUCED BY

John Arthur Smith

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;

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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