

Senate Bill 368 provides for continuing appropriations. The LFC has concerns with including continuing appropriation language in the statutory provisions for newly created funds, as earmarking reduces the ability of the legislature to establish spending priorities.

According to the February 2009 revenue estimate, FY10 recurring revenue will only support a base expenditure level that is \$575 million less than the FY09 appropriations before the 2009 solvency reductions. All appropriations outside of the general appropriation act will be viewed in this declining revenue context.

SIGNIFICANT ISSUES

The AGO1 reports that federal funding is being cut, and Senate Bill 368 would help make up the deficit to keep the Las Cruces JARC operational. Failure to fund the Las Cruces JARC will cause backlogs in the juvenile system in District 3.

TECHNICAL ISSUES

The DFA Local Government Division notes that this type of appropriation normally would fall under the General Appropriation Act or “House Bill 2 Junior” as an operational appropriation and would be a non-recurring appropriation and typically revert to the general fund.

CH/mt:svb

1 AGO disclaimer: This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Opinion letter. This is a staff analysis in response to the agency’s, committee’s or legislator’s request.