

Laws 2010 (2nd SS) CHAPTER 1

AN ACT

RELATING TO LEGISLATIVE EXPENDITURES; MAKING APPROPRIATIONS FROM LEGISLATIVE CASH BALANCES FOR NECESSARY EXPENSES OF THE SECOND SPECIAL SESSION OF THE FORTY-NINTH LEGISLATURE; DECLARING AN EMERGENCY.

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

Chapter 1 Section 1 Laws 2010 (2nd S.S.)

Section 1. SPECIAL SESSION--APPROPRIATION.--

A. The following amounts are appropriated from the legislative cash balances for expenditure in fiscal year 2010 for the following expenses of the second special session of the forty-ninth legislature:

(1) for the expense of the house of representatives, one hundred twelve thousand three hundred dollars (\$112,300) to be disbursed on vouchers signed by the speaker and the chief clerk of the house of representatives or the chief clerk's designee;

(2) for the expense of the senate, fifty-seven thousand dollars (\$57,000) to be disbursed on vouchers signed by the chair of the committees' committee and the chief clerk of the senate or the chief clerk's designee; and

(3) for the expense of the legislative council service, the joint bill room and the legislative switchboard, thirty-five thousand five hundred dollars (\$35,500) to be disbursed on vouchers signed by the director of the legislative council service or the director's designee.

B. Following adjournment of the second special session of the forty-ninth legislature, expenditures authorized in this section shall be disbursed on vouchers signed by the director of the legislative council service or the director's designee.

Chapter 1 Section 2 Laws 2010 (2nd S.S.)

Section 2. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

Approved March 9, 2010

Laws 2010 (2nd SS) CHAPTER 2

AN ACT

RELATING TO TAXATION; AUTHORIZING THE TAXATION AND REVENUE DEPARTMENT TO CONDUCT A TEMPORARY TAX AMNESTY PROGRAM; MAKING AN APPROPRIATION; DECLARING AN EMERGENCY.

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

Chapter 2 Section 1 Laws 2010 (2nd S.S.)

Section 1. TEMPORARY TAX AMNESTY PROGRAM.--

A. For the taxes owed and taxes administered pursuant to the Tax Administration Act, the secretary of taxation and revenue, with the concurrence of the governor, is authorized to declare an amnesty period of no more than one hundred eighty days; provided that any amnesty period shall occur within fiscal years 2010 and 2011 and the terms of the tax amnesty program conform with the provisions of Section 7-1-11.1 NMSA 1978. All revenue collected as a result of the tax amnesty program shall be identified specifically and reported to the first session of the fifty-first legislature.

B. The secretary of taxation and revenue is authorized to waive, during the amnesty period only, the

consideration of the relevant factors listed in Subsection D of Section 7-1-11.1 NMSA 1978. The taxpayer shall meet the other requirements for a managed audit set forth in Section 7-1-11.1 NMSA 1978 and shall not have been assessed taxes for which the managed audit is requested; provided that the department has not issued a notice of commencement of an audit to the taxpayer before the taxpayer requests a managed audit pursuant to this section. No interest or penalty shall be imposed on taxes due as the result of a managed audit entered into during the amnesty period if the requirements of Paragraph (4) of Subsection A of Section 7-1-67 NMSA 1978 and Paragraph (2) of Subsection G of Section 7-1-69 NMSA 1978 are met.

Chapter 2 Section 2 Laws 2010 (2nd S.S.)

Section 2. APPROPRIATION.--Five hundred thousand dollars (\$500,000) is appropriated from the general fund to the taxation and revenue department for expenditure in fiscal years 2010 through 2012 for the purpose of conducting a tax amnesty program as provided in Section 1 of this act. Any unexpended or unencumbered balance remaining at the end of fiscal year 2012 shall revert to the general fund.

Chapter 2 Section 3 Laws 2010 (2nd S.S.)

Section 3. DELAYED REPEAL.--Section 1 of this act is repealed effective July 1, 2012.

Chapter 2 Section 4 Laws 2010 (2nd S.S.)

Section 4. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

Senate Bill 2, aa, w/ec

Approved March 19, 2010

Laws 2010 (2nd SS) CHAPTER 3

AN ACT

AUTHORIZING THE ISSUANCE AND SALE OF CAPITAL PROJECTS GENERAL OBLIGATION BONDS TO MAKE CAPITAL EXPENDITURES FOR SENIOR CITIZEN FACILITY IMPROVEMENTS AND ACQUISITIONS, FOR LIBRARY ACQUISITIONS, FOR PUBLIC SCHOOL CAPITAL IMPROVEMENTS AND FOR CAPITAL IMPROVEMENTS AND ACQUISITIONS AT INSTITUTIONS OF HIGHER EDUCATION AND STATE SPECIAL SCHOOLS; PROVIDING FOR A TAX LEVY FOR PAYMENT OF PRINCIPAL OF, INTEREST ON AND CERTAIN COSTS RELATED TO THE BONDS; REQUIRING APPROVAL OF THE REGISTERED VOTERS AT THE 2010 GENERAL ELECTION OF THE STATE; DECLARING AN EMERGENCY.

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

Chapter 3 Section 1 Laws 2010 (2nd S.S.)

Section 1. SHORT TITLE.--This act may be cited as the "2010 Capital Projects General Obligation Bond Act".

Chapter 3 Section 2 Laws 2010 (2nd S.S.)

Section 2. PURPOSE.--For the purpose of providing funds for capital expenditures as authorized in the 2010 Capital Projects General Obligation Bond Act, general obligation indebtedness of the state is authorized for the purposes and in the amounts set forth in Section 10 of that act.

Chapter 3 Section 3 Laws 2010 (2nd S.S.)

Section 3. BOND TERMS.--

A. The state board of finance, except as limited by the 2010 Capital Projects General Obligation Bond Act, shall determine the terms, covenants and conditions of bonds issued pursuant to that act, including but not limited to:

(1) date or dates of issue, denominations and maturities;

(2) principal amounts;

(3) rate or rates of interest; and

(4) provisions for redemption, including premiums, registration and refundability, whether the bonds are issued in one or more series and other covenants relating to the bonds and the issuance thereof.

B. The bonds shall be in such form as the state board of finance determines with an appropriate series designation and shall bear interest payable as set forth in the resolution of the state board of finance.

C. Payment of the principal of the bonds shall begin not more than two years after the date of their issuance, and the bonds shall mature not later than ten years after the date of their issuance. Both principal and interest shall be payable in lawful money of the United States at the office of the paying agent within or without the state as the state board of finance may direct.

D. The bonds shall be executed with the manual or facsimile signature of the governor or the state treasurer, and the seal or a facsimile of the seal of the state shall be placed on each bond, except for any series of bonds issued in book entry or similar form without the delivery of physical securities.

E. The bonds shall be issued in accordance with the provisions of the 2010 Capital Projects General Obligation Bond Act, the Supplemental Public Securities Act and the Uniform Facsimile Signature of Public Officials Act and may be issued in accordance with the Public Securities Short-Term Interest Rate Act.

F. The full faith and credit of the state is pledged for the prompt payment when due of the principal of and interest on all bonds issued and sold pursuant to the 2010 Capital Projects General Obligation Bond Act.

Chapter 3 Section 4 Laws 2010 (2nd S.S.)

Section 4. EXPENDITURES.--The proceeds from the sale of the bonds shall be expended solely for providing money to be distributed for the purposes and in amounts not to exceed the amounts set forth in Section 10 of the 2010 Capital Projects General Obligation Bond Act and to pay expenses incurred under Section 6 of that act. Any

proceeds from the sale of the bonds that are not required for the purposes set forth in Sections 6 and 10 of that act shall be used for the purpose of paying the principal of and interest on the bonds.

Chapter 3 Section 5 Laws 2010 (2nd S.S.)

Section 5. SALE.--The bonds authorized under the 2010 Capital Projects General Obligation Bond Act shall be sold by the state board of finance at such time and in such manner and amounts as the board may elect. The bonds may be sold at private sale or at public sale, in either case at not less than par plus accrued interest to the date of delivery. If sold at public sale, the state board of finance shall publish a notice of the time and place of sale in a newspaper of general circulation in the state and may also publish the notice in a recognized financial journal outside the state. The required publications shall be made once each week for two consecutive weeks prior to the date fixed for the sale, the last publication thereof to be at least five days prior to the date of the sale. The notice shall specify the amount, denomination, maturity and description of the bonds to be offered for sale and the place, date and hour at which the sealed bids shall be received. At the time and place specified in the notice, the state board of finance shall open the bids in public and shall award the bonds to the bidder or bidders offering the best price for the bonds. The state board of finance may reject any or all bids and readvertise and may waive any irregularity in a bid. All bids, except that of the state, shall be accompanied by a deposit of two percent of the principal amount of the bonds in a form acceptable to the state board of finance. The deposit of an unsuccessful bidder shall be returned upon rejection of the bid. The state board of finance may also sell the bonds or any part of the bonds to the state treasurer or state investment officer. The state treasurer or state investment officer is authorized to purchase any of the bonds for investment. The bonds are legal investments for any person or board charged with the investment of any public funds and may be accepted as security for any deposit of public money.

Chapter 3 Section 6 Laws 2010 (2nd S.S.)

Section 6. EXPENSES.--The expenses incurred by the state board of finance in or relating to the preparation and sale of the bonds shall be paid out of the proceeds from the sale of the bonds, and all rebate, penalty, interest and other obligations of the state relating to the bonds and bond proceeds under the Internal Revenue Code of 1986, as amended, shall be paid from earnings on bond proceeds or other money of the state, legally available for such payments.

Chapter 3 Section 7 Laws 2010 (2nd S.S.)

Section 7. TAX LEVY.--To provide for the payment of the principal of and interest on the bonds issued and sold pursuant to the provisions of the 2010 Capital Projects General Obligation Bond Act, there shall be and there is hereby imposed and levied during each year in which any of the bonds are outstanding an ad valorem tax on all property in the state subject to property taxation for state purposes sufficient to pay the

interest as it becomes due on the bonds, together with an amount sufficient to provide a sinking fund to pay the principal of the bonds as it becomes due and, if permitted by law, ad valorem taxes may be collected to pay administrative costs incident to the collection of such taxes. The taxes shall be imposed, levied, assessed and collected at the times and in the manner that other property taxes for state purposes are imposed, levied, assessed and collected. It is the duty of all tax officials and authorities to cause these taxes to be imposed, levied, assessed and collected.

Chapter 3 Section 8 Laws 2010 (2nd S.S.)

Section 8. TREASURER--DUTIES.--The state treasurer shall keep separate accounts of all money collected pursuant to the taxes imposed and levied pursuant to the provisions of the 2010 Capital Projects General Obligation Bond Act and shall use this money only for the purposes of paying the principal of and interest on the bonds as they become due and any expenses relating thereto.

Chapter 3 Section 9 Laws 2010 (2nd S.S.)

Section 9. IRREPEALABLE CONTRACT--AUTHORITY FOR ISSUANCE.--An owner of bonds issued pursuant to the provisions of the 2010 Capital Projects General Obligation Bond Act may, either at law or in equity, by suit, action or mandamus, enforce and compel the performance of the duties required by that act of any officer or entity mentioned in that act. The provisions of that act constitute an irrevocable contract with the owners of any of the bonds issued pursuant to that act for the faithful performance of which the full faith and credit of the state is pledged. Without reference to any other act of the legislature, the 2010 Capital Projects General Obligation Bond Act is full authority for the issuance and sale of the bonds authorized in that act, and such bonds shall have all the qualities of investment securities under the Uniform Commercial Code, shall not be invalid for any irregularity or defect in the proceedings for the issuance and sale of the bonds and shall be incontestable in the hands of bona fide purchasers or holders thereof for value. All bonds issued under the provisions of that act, and the interest thereon, are exempt from taxation by the state and any subdivision or public body thereof.

Chapter 3 Section 10 Laws 2010 (2nd S.S.)

Section 10. PROJECTS.--The proceeds from the sale of bonds issued under the provisions of the 2010 Capital Projects General Obligation Bond Act shall be distributed as follows for the purposes and in the amounts specified:

A. for senior citizen facility improvements, construction and equipment acquisition projects, to the aging and long-term services department:

(1) three hundred seventy thousand dollars (\$370,000) to plan, design, renovate and equip the Bear Canyon senior center in Albuquerque in Bernalillo county;

(2) five hundred thousand dollars (\$500,000) to plan, design, construct, equip and furnish the Highland senior center in Albuquerque in Bernalillo county;

(3) five hundred thirty-four thousand dollars (\$534,000) to plan, design, construct, equip and furnish the North Valley senior center in Albuquerque in Bernalillo county;

(4) one hundred thousand dollars (\$100,000) to make improvements for building code compliance, including purchase and installation of equipment, to the Rio Bravo meal site in Bernalillo county;

(5) fourteen thousand dollars (\$14,000) to make improvements for building code compliance, including purchase and installation of equipment, to the Pueblo of Isleta senior center in Bernalillo county;

(6) one million dollars (\$1,000,000) to plan, design, construct, equip and furnish the Tijeras senior center in Bernalillo county;

(7) fourteen thousand five hundred dollars (\$14,500) to purchase and install meals equipment at Catron countywide senior centers in Catron county;

(8) twenty-five thousand dollars (\$25,000) to purchase and equip vehicles for the Quemado senior center in Catron county;

(9) one hundred fifty thousand dollars (\$150,000) to plan, design, construct, equip and furnish the Hagerman senior center in Chaves county;

(10) one hundred two thousand six hundred dollars (\$102,600) to purchase and equip vehicles for the Roswell-Hagerman senior centers in Chaves county;

(11) thirty-five thousand one hundred dollars (\$35,100) to make improvements for building code compliance, including purchase and installation of equipment, to the Grants senior center in Cibola county;

(12) one thousand dollars (\$1,000) to purchase and install meals equipment at the Grants senior center in Cibola county;

(13) seven thousand five hundred dollars (\$7,500) to plan, design, renovate and equip the Eagle Nest senior center in Colfax county;

(14) twenty-five thousand dollars (\$25,000) to make improvements for building code compliance, including purchase and installation of equipment, to the Raton senior center in Colfax county;

(15) five thousand two hundred dollars (\$5,200) to purchase and install meals equipment at the Grady senior center in Curry county;

(16) nine thousand two hundred dollars (\$9,200) to purchase and install meals equipment at the

Fort Sumner senior center in De Baca county;

(17) one hundred seventy-eight thousand five hundred dollars (\$178,500) to make improvements for building code compliance, including purchase and installation of equipment, to the Munson senior center in Las Cruces in

Dona Ana county;

(18) seventy-five thousand dollars (\$75,000) to make improvements for building code compliance, including purchase and installation of equipment, to the Mesilla Park senior center in Las Cruces in Dona Ana county;

(19) fifty thousand dollars (\$50,000) to purchase and equip vehicles for the Artesia senior center in Eddy county;

(20) seventy-eight thousand three hundred dollars (\$78,300) to purchase and equip vehicles for the Eddy countywide senior centers in Eddy county;

(21) twelve thousand four hundred dollars (\$12,400) to purchase and install meals equipment at Grant countywide senior centers in Grant county;

(22) one hundred twenty thousand dollars (\$120,000) to purchase and equip vehicles for the Grant countywide senior centers in Grant county;

(23) ten thousand dollars (\$10,000) to make improvements for building code compliance, including purchase and installation of equipment, to the Santa Clara senior center in Grant county;

(24) fifty-one thousand dollars (\$51,000) to plan, design, renovate and equip La Loma senior center in Guadalupe county;

(25) one thousand one hundred dollars (\$1,100) to purchase and install meals equipment at the Eunice senior center in Lea county;

(26) one thousand dollars (\$1,000) to purchase and install meals equipment at the Hobbs senior center in Lea county;

(27) ten thousand dollars (\$10,000) to purchase and install meals equipment at the Jal senior center in Lea county;

(28) fifty thousand dollars (\$50,000) to plan, design, construct, equip and furnish the Carrizozo senior center in Lincoln county;

(29) four thousand five hundred dollars (\$4,500) to make improvements for building code compliance, including purchase and installation of equipment, to the Hondo Valley senior center in Lincoln county;

(30) eighteen thousand five hundred dollars (\$18,500) to purchase and install meals equipment at Lincoln countywide senior centers in Lincoln county;

(31) thirteen thousand five hundred dollars (\$13,500) to plan, design, renovate and equip the Ruidoso senior center in Lincoln county;

(32) eighty-nine thousand dollars (\$89,000) to purchase and equip vehicles for the Los Alamos senior center in Los Alamos county;

(33) six thousand five hundred dollars (\$6,500) to make improvements for building code compliance, including purchase and installation of equipment, to the Baca chapter senior center on the Navajo Nation in McKinley county;

(34) eighteen thousand five hundred dollars (\$18,500) to purchase and install equipment at the Gallup citywide senior centers in McKinley county;

(35) twenty-six thousand dollars (\$26,000) to purchase and install meals equipment at Gallup citywide senior centers in McKinley county;

(36) sixty-three thousand dollars (\$63,000) to purchase and equip vehicles for the Gallup citywide senior centers in McKinley county;

(37) sixty-five thousand dollars (\$65,000) to make improvements for building code compliance, including purchase and installation of equipment, to the Ford Canyon senior center in Gallup in McKinley county;

(38) thirty-six thousand dollars (\$36,000) to purchase and install meals equipment at the Nahodishgish chapter senior center on the Navajo Nation in McKinley county;

(39) forty thousand dollars (\$40,000) to make improvements for building code compliance, including purchase and installation of equipment, to the Pinedale chapter senior center on the Navajo Nation in McKinley county;

(40) eighty thousand dollars (\$80,000) to make improvements for building code compliance, including purchase and installation of equipment, to the Tohatchi chapter senior center on the Navajo Nation in McKinley county;

(41) three hundred thousand dollars (\$300,000) to plan, design, construct, equip and furnish the Whitehorse Lake chapter senior center on the Navajo Nation in McKinley county;

(42) one hundred eighty-five thousand seven hundred dollars (\$185,700) to make improvements for building code compliance, including purchase and installation of equipment, to the Pueblo of Zuni senior center in McKinley county;

(43) seventeen thousand five hundred dollars (\$17,500) to purchase and install meals equipment at the Mora and Wagon Mound senior centers in Mora county;

(44) forty-two thousand dollars (\$42,000) to purchase and equip vehicles for the Mescalero Apache senior center in Otero county;

(45) seven thousand five hundred dollars (\$7,500) to purchase and install equipment at the Tucumcari senior center in Quay county;

(46) twenty-two thousand five hundred dollars (\$22,500) to plan, design, renovate and equip the Tucumcari senior center in Quay county;

(47) five thousand three hundred dollars (\$5,300) to purchase and install meals equipment at the Tucumcari and House senior centers in Quay county;

(48) fifty-four thousand six hundred dollars (\$54,600) to make improvements for building code compliance, including purchase and installation of equipment, to the Chama senior center in Rio Arriba county;

(49) ten thousand two hundred dollars (\$10,200) to purchase and install meals equipment at the Chama senior center in Rio Arriba county;

(50) nine thousand dollars (\$9,000) to make improvements for building code compliance, including purchase and installation of equipment, to the Espanola senior center in Rio Arriba county;

(51) twelve thousand dollars (\$12,000) to purchase and install meals equipment at the Espanola senior center in Rio Arriba county;

(52) twenty-eight thousand dollars (\$28,000) to purchase and equip vehicles for the Jicarilla Apache Nation senior center in Rio Arriba county;

(53) twenty-five thousand dollars (\$25,000) to make improvements for building code compliance, including purchase and installation of equipment, to the Jicarilla Apache Nation senior center in Rio Arriba county;

(54) one hundred twenty-eight thousand dollars (\$128,000) to plan, design, construct, equip and furnish the Ohkay Owingeh senior center in Rio Arriba county;

(55) one hundred thirty-four thousand dollars (\$134,000) to purchase and equip vehicles for the

Rio Arriba countywide senior centers in Rio Arriba county;

(56) sixty-seven thousand five hundred dollars (\$67,500) to make improvements for building code compliance, including purchase and installation of equipment, to the Aztec senior center in San Juan county;

(57) fifteen thousand dollars (\$15,000) to plan, design, renovate and equip the Crystal chapter senior center on the Navajo Nation in San Juan county;

(58) ten thousand dollars (\$10,000) to make improvements for building code compliance, including purchase and installation of equipment, to the Huerfano chapter senior center on the Navajo Nation in San Juan county;

(59) one thousand six hundred dollars (\$1,600) to make improvements for building code compliance, including purchase and installation of equipment, to the

Lake Valley chapter senior center on the Navajo Nation in

San Juan county;

(60) seventy-five thousand dollars (\$75,000) to make improvements for building code compliance, including purchase and installation of equipment, to the Shiprock chapter senior center on the Navajo Nation in San Juan county;

(61) fifty thousand dollars (\$50,000) to make improvements for building code compliance, including purchase and installation of equipment, to the Tse'Daa'Kaan chapter senior center on the Navajo Nation in San Juan county;

(62) ten thousand five hundred dollars (\$10,500) to plan, design, renovate and equip the Corrales senior center in Sandoval county;

(63) twenty-seven thousand five hundred dollars (\$27,500) to make improvements for building code compliance, including purchase and installation of equipment, to the Cuba senior center in Sandoval county;

(64) ten thousand five hundred dollars (\$10,500) to plan, design, renovate and equip the Placitas senior center in Sandoval county;

(65) three hundred thousand dollars (\$300,000) to plan, design, construct, equip and furnish the Rio Rancho senior center in Sandoval county;

(66) eleven thousand dollars (\$11,000) to purchase and install meals equipment at the Pueblo of

San Felipe senior center in Sandoval county;

(67) one hundred seventy-seven thousand dollars (\$177,000) to make improvements for building code compliance, including purchase and installation of equipment, to the Pueblo of Sandia senior center in Sandoval county;

(68) three thousand dollars (\$3,000) to purchase and install meals equipment at the Pueblo of Sandia senior center in Sandoval county;

(69) forty-two thousand dollars (\$42,000) to purchase and equip vehicles for the Sandoval countywide senior centers in Sandoval county;

(70) five thousand dollars (\$5,000) to make improvements for building code compliance, including purchase and installation of equipment, to the Pueblo of Santo Domingo senior center in Sandoval county;

(71) seven thousand three hundred dollars (\$7,300) to purchase and install equipment at the Pueblo of Zia senior center in Sandoval county;

(72) two hundred seventy thousand dollars (\$270,000) to make improvements for building code compliance, including purchase and installation of equipment, to the Pueblo of Zia senior center in Sandoval county;

(73) three thousand dollars (\$3,000) to purchase and install meals equipment at the Pueblo of Zia senior center in Sandoval county;

(74) sixty-five thousand dollars (\$65,000) to make improvements for building code compliance, including purchase and installation of equipment, to the Pueblo of Nambe senior center in Santa Fe county;

(75) five thousand dollars (\$5,000) to purchase and install meals equipment at the Pueblo of Pojoaque senior center in Santa Fe county;

(76) five thousand dollars (\$5,000) to make improvements for building code compliance, including purchase and installation of equipment, to the Pueblo of Pojoaque senior center in Santa Fe county;

(77) forty-two thousand dollars (\$42,000) to purchase and equip vehicles for the Pueblo of San Ildefonso senior center in Santa Fe county;

(78) four thousand two hundred dollars (\$4,200) to make improvements for building code compliance, including purchase and installation of equipment, to the Pueblo of San Ildefonso senior center in Santa Fe county;

(79) two thousand five hundred dollars (\$2,500) to purchase and install meals equipment at the Pueblo of San Ildefonso senior center in Santa Fe county;

(80) seventy-three thousand dollars (\$73,000) to plan, design, renovate and equip the Mary Esther Gonzales senior center in Santa Fe in Santa Fe county;

(81) one hundred twenty-six thousand dollars (\$126,000) to purchase and equip vehicles for the Sierra joint office of aging in Sierra county;

(82) ten thousand three hundred dollars (\$10,300) to purchase and install meals equipment at the Truth or Consequences senior center in Sierra county;

(83) two hundred thousand dollars (\$200,000) to plan, design, construct, equip and furnish the Alamo chapter senior center on the Navajo Nation in Socorro county;

(84) thirty-seven thousand five hundred dollars (\$37,500) to make improvements for building code compliance, including purchase and installation of equipment, to the Socorro senior center in Socorro county;

(85) twenty-six thousand dollars (\$26,000) to purchase and install meals equipment at the Socorro senior center in Socorro county;

(86) two thousand dollars (\$2,000) to purchase and install equipment at the Pueblo of Picuris senior center in Taos county;

(87) fifteen thousand dollars (\$15,000) to purchase and equip vehicles for the Pueblo of Picuris senior center in Taos county;

(88) five hundred thousand dollars (\$500,000) to plan, design, construct, equip and furnish the Pueblo of Taos senior center in Taos county;

(89) twenty-five thousand three hundred dollars (\$25,300) to purchase and install meals equipment at the Pueblo of Taos senior center in Taos county;

(90) one hundred eighty thousand dollars (\$180,000) to make improvements for building code compliance, including purchase and installation of equipment, to the Clayton senior center in Union county;

(91) seven thousand dollars (\$7,000) to purchase and install meals equipment at the Clayton senior center in Union county;

(92) sixteen thousand one hundred dollars (\$16,100) to make improvements for building code compliance, including purchase and installation of equipment, to the

Des Moines senior center in Union county; and

(93) three hundred thousand dollars (\$300,000) to plan, design, construct, equip and furnish the Belen senior center in Valencia county;

B. for library acquisitions and capital improvements at public libraries, public school libraries, academic libraries and tribal libraries statewide:

(1) to the cultural affairs department:

(a) two million dollars (\$2,000,000) to acquire library books, equipment and library resources for public libraries statewide; and

(b) one million dollars (\$1,000,000) for supplemental library resource acquisitions, including books and equipment and planning, designing and constructing capital improvements, at library facilities for tribal libraries statewide;

(2) to the higher education department, two million dollars (\$2,000,000) to acquire library books, equipment and library resources for academic libraries statewide; and

(3) to the public education department, two million dollars (\$2,000,000) to acquire library books, equipment and library resources for public school libraries statewide;

C. for public school facility improvements acquisitions, bus acquisitions and books and instructional materials acquisitions, to the public education department:

(1) two million dollars (\$2,000,000) for renovation and construction of pre-kindergarten classrooms and facilities at public schools statewide;

(2) two million dollars (\$2,000,000) to purchase school books and instructional materials statewide;

(3) five hundred thousand dollars (\$500,000) to purchase school buses statewide; and

(4) five hundred thousand dollars (\$500,000) for student count equipment in school buses statewide; and

D. for capital improvements at institutions of higher education and special schools statewide:

(1) to the board of regents of eastern

New Mexico university:

(a) four million dollars (\$4,000,000) to construct and improve the physical plant complex, including purchasing and installing a modular building, at the Roswell branch campus of eastern New Mexico university in Chaves county;

(b) five hundred thousand dollars (\$500,000) for renovations and infrastructure improvements, including improvements for energy efficiency and campus safety, at the Ruidoso branch campus of eastern New Mexico university in Lincoln county; and

(c) seven million dollars (\$7,000,000) for renovations and infrastructure improvements, including the razing of closed facilities, at eastern New Mexico university in Portales in Roosevelt county;

(2) to the higher education department:

(a) sixteen million dollars (\$16,000,000) to renovate Jeanette Stromberg hall at central New Mexico community college in Albuquerque in Bernalillo county;

(b) one million dollars (\$1,000,000) to renovate the former allied health facilities for use as computer labs and classrooms at Clovis community college in Clovis in Curry county;

(c) two million dollars (\$2,000,000) to plan, design and construct a facility for the renewable energy program and to purchase and install equipment for the school of trades and technology at San Juan college in

San Juan county;

(d) five million dollars (\$5,000,000) to renovate the vocational education complex at Luna community college in Las Vegas in San Miguel county; and

(e) one million dollars (\$1,000,000) for infrastructure improvements at Santa Fe community college in Santa Fe county;

(3) to the board of regents of New Mexico highlands university, seven million one hundred thousand dollars (\$7,100,000) to plan, design, renovate,

construct, improve the site, furnish and equip the historic Trolley building at New Mexico highlands university in Las Vegas in San Miguel county;

(4) to the board of regents of the New Mexico military institute, five million dollars (\$5,000,000) for renovations, including improvements related to code compliance, at Lusk hall at New Mexico military institute in Roswell in Chaves county;

(5) to the board of regents of New Mexico institute of mining and technology, twelve million dollars (\$12,000,000) to plan, design, construct, equip and furnish phase 1 of the geology facility at New Mexico institute of mining and technology in Socorro in Socorro county;

(6) to the board of regents of New Mexico state university:

(a) one million seven hundred fifty thousand dollars (\$1,750,000) for infrastructure renovation and improvements, including roof repairs, safety, classrooms, labs, heating and drainage, at the Grants branch campus of New Mexico state university in Cibola county;

(b) eighteen million dollars (\$18,000,000) to plan, design, construct, conduct necessary demolition, renovate, furnish, expand and equip the Hershel Zohn theater and Branson library to house the institute for public policy at New Mexico state university in Las Cruces in Dona Ana county;

(c) five million six hundred fifty thousand dollars (\$5,650,000) to plan, design, construct, equip and furnish an addition to the Gadsden center at the Dona Ana community college branch of New Mexico state university in Dona Ana county;

(d) one million two hundred fifty thousand dollars (\$1,250,000) for infrastructure renovation, including improvements to the heating, ventilation and air conditioning systems, classrooms, energy management systems, hot water systems and transportation and parking, at the Carlsbad branch campus of New Mexico state university in Eddy county; and

(e) one million seven hundred fifty thousand dollars (\$1,750,000) for infrastructure renovation, including improvements to energy management and lighting systems and restroom upgrades to comply with the Americans with Disabilities Act of 1990, at the Alamogordo branch campus of New Mexico state university in Otero county;

(7) to the board of regents of northern New Mexico state school, five million dollars (\$5,000,000) to construct and equip the Serpa program building for a solar engineering and research park and academy at northern New Mexico state school in Espanola in Rio Arriba county;

(8) to the board of regents of the New Mexico school for the blind and visually impaired, three million five hundred thousand dollars (\$3,500,000) for renovating Watkins education center and to coordinate with the public school facilities authority for other infrastructure improvements to address critical deficiencies and to comply with the Americans with Disabilities Act of 1990 at the New Mexico school for the blind and visually impaired in Alamogordo in Otero county;

(9) to the board of regents of the

New Mexico school for the deaf, three million dollars (\$3,000,000) to coordinate with the public school facilities authority for improvements, including fire suppression and improvements to comply with the Americans with Disabilities Act of 1990, and other renovations to address critical deficiencies at the New Mexico school for the deaf in Santa Fe in Santa Fe county;

(10) to the board of regents of the university of New Mexico:

(a) three million eight hundred thousand dollars (\$3,800,000) to demolish, renovate, expand, construct, equip and furnish the biology building at the university of New Mexico in Albuquerque in Bernalillo county;

(b) twelve million dollars (\$12,000,000) to demolish the old facility and construct the outpatient services building at the Carrie Tingley hospital at the university of New Mexico's health sciences center in Albuquerque in Bernalillo county;

(c) ten million dollars (\$10,000,000) to plan, design, construct, equip and furnish Reibsoner hall, the chemistry building, at the university of New Mexico in Albuquerque in Bernalillo county;

(d) four million dollars (\$4,000,000) to plan, design, construct and equip a collaborative teaching and learning building, including demolition of the old facility, for the college of education at the university of New Mexico in Albuquerque in Bernalillo county;

(e) ten million dollars (\$10,000,000) to plan, design, construct, renovate, equip and furnish the health science education interdisciplinary building at the university of New Mexico in Albuquerque in Bernalillo county;

(f) seven hundred fifty thousand dollars (\$750,000) to renovate and equip labs, classrooms and storage space at the science labs at the Los Alamos branch campus of the university of New Mexico in Los Alamos county;

(g) one million four hundred thousand dollars (\$1,400,000) to construct and make improvements to the Zollinger library, including completing the lower level shell space, at the Gallup branch campus of the university of New Mexico in McKinley county; and

(h) two million dollars (\$2,000,000) to plan, design, construct, equip and furnish phase 1 of the research center and learning library at the Taos branch campus of the university of New Mexico in Taos county;

(11) to the board of regents of western New Mexico university, five million five hundred thousand dollars (\$5,500,000) for infrastructure renovations and improvements, including renovating the McCray arts building, at western

New Mexico university in Silver City in Grant county; and

(12) to the Indian affairs department:

(a) one million dollars (\$1,000,000) for improvements and security enhancements at southwestern Indian polytechnic institute in Albuquerque in Bernalillo county;

(b) two million dollars (\$2,000,000) to plan, design and construct a regional wellness center for the Santa Fe Indian school in Santa Fe in Santa Fe county;

(c) seven hundred fifty thousand dollars (\$750,000) to plan, design and construct the science technology and sculpture foundry buildings at the institute of American Indian arts in Santa Fe county; and

(d) one million five hundred thousand dollars (\$1,500,000) to plan, design, construct and improve general classroom facilities at Navajo technical college in Crownpoint in McKinley county.

Chapter 3 Section 11 Laws 2010 (2nd S.S.)

Section 11. ELECTION.--

A. Bonds issued pursuant to the 2010 Capital Projects General Obligation Bond Act shall be submitted to the registered voters of the state at the general election to be held in November 2010, and, if they receive a majority of all the votes cast thereon at such election, shall take effect upon certification of the state canvassing board announcing the results of such election. No bonds shall be issued or sold under that act until the registered voters of this state have voted upon and approved the bonds and property tax as provided in this section. Any bonds issued under that act shall be issued within thirty months from the date of such election.

B. The ballots used at the 2010 general election shall contain substantially the following language:

(1) "The 2010 Capital Projects General Obligation Bond Act authorizes the issuance and sale of senior citizen facility improvement, construction and

equipment acquisition bonds. Shall the state be authorized to issue general obligation bonds in an amount not to exceed seven million seven hundred ninety thousand three hundred twenty dollars (\$7,790,320) to make capital expenditures for certain senior citizen facility improvements, construction and equipment acquisition projects and provide for a general property tax imposition and levy for the payment of principal of, interest on and expenses incurred in connection with the issuance of the bonds and the collection of the tax as permitted by law?

For _____ Against _____";

(2) "The 2010 Capital Projects General Obligation Bond Act authorizes the issuance and sale of library acquisition and construction bonds. Shall the state be authorized to issue general obligation bonds in an amount not to exceed seven million eighty-two thousand one hundred ten dollars (\$7,082,110) to make capital expenditures for academic, public school, tribal and public library acquisitions and provide for a general property tax imposition and levy for the payment of principal of, interest on and expenses incurred in connection with the issuance of the bonds and the collection of the tax as permitted by law?

For _____ Against _____";

(3) "The 2010 Capital Projects General Obligation Bond Act authorizes the issuance and sale of public school facility improvement and public school books and instructional materials acquisition bonds. Shall the state be authorized to issue general obligation bonds in an amount not to exceed five million one hundred thousand dollars (\$5,100,000) to make capital expenditures for pre-kindergarten classrooms and facilities at public schools and for public school books and instructional materials and provide for a general property tax imposition and levy for the payment of principal of, interest on and expenses incurred in connection with the issuance of the bonds and the collection of the tax as permitted by law?

For _____ Against _____"; and

(4) "The 2010 Capital Projects General Obligation Bond Act authorizes the issuance and sale of higher educational and special schools capital improvement and acquisition bonds. Shall the state be authorized to issue general obligation bonds in an amount not to exceed one hundred fifty-five million five hundred sixty-seven thousand eight hundred twenty-four dollars (\$155,567,824) to make capital expenditures for certain higher educational and special schools capital improvements and acquisitions and provide for a general property tax imposition and levy for the payment of principal of, interest on and expenses incurred in connection with the issuance of the bonds and the collection of the tax as permitted by law?

For _____ Against _____".

C. Each question set forth in this section includes a specific work or object to be financed by the bonds. If any such question is not approved by a majority vote of the electorate at the state's 2010 general election, the issuance of bonds for the work or object specified by the question shall be excluded from and shall not be part of the 2010 Capital Projects General Obligation Bond Act. The failure of a question to be approved by the electorate at the 2010 general election shall not affect those questions that are approved at the election.

D. The secretary of state shall include the submission of the capital projects general obligation bonds to the people at the 2010 general election, and it shall be included in the general election proclamation of each of the county clerks. The secretary of state shall cause the 2010 Capital Projects General Obligation Bond Act to be published in full in at least one newspaper in each county of the state if one be published therein, once each week, for four successive weeks next preceding the general election as required by the constitution of New Mexico.

Chapter 3 Section 12 Laws 2010 (2nd S.S.)

Section 12. ART IN PUBLIC PLACES.--Pursuant to Section 13-4A-4 NMSA 1978 and where applicable, the appropriations authorized in the 2010 Capital Projects General Obligation Bond Act include money for the art in public places fund.

Chapter 3 Section 13 Laws 2010 (2nd S.S.)

Section 13. PROJECT SCOPE--EXPENDITURES--REVERSION.--

A. If an appropriation for a project authorized in the 2010 Capital Projects General Obligation Bond Act is not sufficient to complete all the purposes specified, the appropriation may be expended for any portion of the purposes specified in the appropriation. Expenditures shall not be made for purposes other than those specified in the appropriation.

B. The state agencies and state institutions to which money has been appropriated in the 2010 Capital Projects General Obligation Bond Act shall be responsible for monitoring the projects funded in that act to ensure compliance with the constitution and laws of New Mexico and shall cause to be reverted any unexpended or unencumbered balance remaining at the earlier of the third full fiscal year after issuance of the bonds or the termination or completion of the specific project. Reverted funds shall be deposited in the debt service fund established by the state treasurer for the purpose of paying the principal of and interest on the state's general obligation bonds.

Chapter 3 Section 14 Laws 2010 (2nd S.S.)

Section 14. SEVERABILITY.--If any part or application of the 2010 Capital Projects General Obligation Bond Act is held invalid, the remainder or its application to other situations or persons shall not be affected.

Chapter 3 Section 15 Laws 2010 (2nd S.S.)

Section 15. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

SFC/Senate Bill 1, aa, w/ec

Approved March 19, 2010

Laws 2010 (2nd SS) CHAPTER 4

AN ACT

RELATING TO CAPITAL EXPENDITURES; AUTHORIZING THE ISSUANCE OF SEVERANCE TAX BONDS; AUTHORIZING EXPENDITURES FROM CERTAIN FUNDS AND BALANCES; CLARIFYING CONDITIONS FOR THE ISSUANCE OF BONDS; ESTABLISHING CONDITIONS FOR THE EXPENDITURE OF SEVERANCE TAX BOND PROCEEDS; ESTABLISHING CONDITIONS FOR THE REVERSION OF UNEXPENDED BALANCES; MAKING APPROPRIATIONS; REAUTHORIZING OR REAPPROPRIATING BALANCES, EXPANDING OR CHANGING PURPOSES, EXTENDING EXPENDITURE PERIODS AND CHANGING AGENCIES.

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

Chapter 4 Section 1 Laws 2010 (2nd S.S.)

Section 1. SEVERANCE TAX BONDS--AUTHORIZATIONS--APPROPRIATION OF PROCEEDS.--

A. The state board of finance may issue and sell severance tax bonds in compliance with the Severance Tax Bonding Act in an amount not to exceed the total of the amounts authorized for purposes specified in this act or may allocate to such purposes the proceeds of severance tax bonds reauthorized for but not allocated to specific purposes in acts of the second session of the forty-ninth legislature. The state board of finance shall schedule the issuance and sale of the bonds in the most expeditious and economical manner possible upon a finding by the board that the project has been developed sufficiently to justify the issuance and that the project can proceed to contract within a reasonable time. The state board of finance shall further take the appropriate steps necessary to comply with the Internal Revenue Code of 1986, as amended. Proceeds from the sale of the bonds and proceeds of severance tax bonds reauthorized for but not allocated to specific purposes in acts of the second session of the forty-ninth legislature are appropriated for the purposes specified in this act.

B. The agencies named in this act shall certify to the state board of finance when the money from the proceeds of the severance tax bonds appropriated in this section is needed for the purposes specified in the applicable section of this act. If an agency has not certified the need for severance tax bond proceeds for a particular project, including projects that have been reauthorized, by the end of fiscal year 2012, the authorization for that project is void.

C. Before an agency may certify for the need of severance tax bond proceeds, the project must be developed sufficiently so that the agency reasonably expects to:

(1) incur within six months after the applicable bond proceeds are available for the project a substantial binding obligation to a third party to expend at least five percent of the bond proceeds for the project; and

(2) spend at least eighty-five percent of the bond proceeds within three years after the applicable bond proceeds are available for the project.

D. Except as otherwise specifically provided by law:

(1) the unexpended balance from the proceeds of severance tax bonds appropriated in this act for a project shall revert to the severance tax bonding fund no later than the following dates:

(a) for a project for which severance tax bond proceeds were appropriated to match federal grants, six months after completion of the project;

(b) for a project for which severance tax bond proceeds were appropriated to purchase vehicles, including emergency vehicles and other vehicles that require special equipment; heavy equipment; books; educational technology; or other equipment or furniture that is not related to a more inclusive construction or renovation project, at the end of the fiscal year two years following the fiscal year in which the severance tax bond proceeds were made available for the purchase; and

(c) for any other project for which severance tax bonds were appropriated, within six months of completion of the project, but no later than the end of fiscal year 2014; and

(2) all remaining balances from the proceeds of severance tax bonds appropriated for a project in this act shall revert to the severance tax bonding fund three months after the latest reversion date specified for that type of project in Paragraph (1) of this subsection.

E. Except for appropriations to the capital program fund, money from severance tax bond proceeds provided pursuant to this act shall not be used to pay indirect project costs.

F. For the purpose of this section, "unexpended balance" means the remainder of an appropriation after reserving for unpaid costs and expenses covered by binding written obligations to third parties.

Chapter 4 Section 2 Laws 2010 (2nd S.S.)

Section 2. OTHER FUND APPROPRIATIONS--LIMITATIONS--REVERSIONS.--

A. Except as otherwise specifically provided by law:

(1) the unexpended balance of an appropriation made in this act from other state funds shall revert no later than the following dates:

(a) for a project for which an appropriation was made to match federal grants, six months after completion of the project;

(b) for a project for which an appropriation was made to purchase vehicles, including emergency vehicles and other vehicles that require special equipment; heavy equipment; books; educational technology; or other equipment or furniture that is not related to a more inclusive construction or renovation project, at the end of the fiscal year two years following the fiscal year in which the appropriation was made for the purchase; and

(c) for any other project for which an appropriation was made, within six months of completion of the project, but no later than the end of fiscal year 2014; and

(2) all remaining balances from an appropriation made in this act for a project shall revert three months after the latest reversion date specified for that type of project in Paragraph (1) of this subsection.

B. Except for appropriations to the capital program fund, money from appropriations made in this act shall not be used to pay indirect project costs.

C. Except as provided in Subsection E of this section, the balance of an appropriation made from the general fund shall revert in the time frame set forth in Subsection A of this section to the capital projects fund.

D. Except as provided in Subsection E of this section, the balance of an appropriation made from other state funds shall revert in the time frame set forth in Subsection A of this section to the originating fund.

E. The balance of an appropriation made from the general fund or other state fund to the Indian affairs department or the aging and long-term services department for a project located on lands of an Indian nation, tribe or pueblo shall revert

in the time frame set forth in Subsection A of this section to the tribal infrastructure project fund.

F. For the purpose of this section, "unexpended balance" means the remainder of an appropriation after reserving for unpaid costs and expenses covered by binding written obligations to third parties.

Chapter 4 Section 3 Laws 2010 (2nd S.S.)

Section 3. ADMINISTRATIVE OFFICE OF THE COURTS PROJECT--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the administrative office of the courts that the need exists for the issuance of the bonds, one million dollars (\$1,000,000) is appropriated to the administrative office of the courts to purchase and install security equipment, including related infrastructure, at courts statewide.

Chapter 4 Section 4 Laws 2010 (2nd S.S.)

Section 4. CAPITAL PROGRAM FUND PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the property control division of the general services department that the need exists for the issuance of the bonds, the following amounts are appropriated to the capital program fund for the following purposes:

1. four hundred thousand dollars (\$400,000) to renovate and equip the youth diagnostic and development center and Camino Nuevo site in Albuquerque in Bernalillo county in accordance with the Missouri model and implementation of Cambiar New Mexico;

2. five hundred thousand dollars (\$500,000) for upgrades, including walkways, sidewalks, ramps and stairs, to comply with the Americans with Disabilities Act of 1990 at the youth diagnostic and development center campus in Albuquerque in Bernalillo county;

3. five hundred thousand dollars (\$500,000) to upgrade the security systems at the youth diagnostic and development center and at the Camino Nuevo site in Albuquerque in Bernalillo county;

4. five hundred thousand dollars (\$500,000) to purchase, install, equip and furnish the tri-services lab facility project, including moving new and existing furniture and equipment, at the state laboratory services building in Albuquerque in Bernalillo county;

5. four hundred thousand dollars (\$400,000) to replace the roof and make improvements, including mold remediation and structural and plumbing repairs, at the motor vehicle division's Clovis field office in Curry county;

6. two million five hundred thousand dollars (\$2,500,000) to complete construction of the Santa Teresa port of entry in Dona Ana county;

7. eight hundred twenty thousand dollars (\$820,000) for continued construction and infrastructure improvements at the department of public safety district offices in Las Cruces in Dona Ana county and Las Vegas in San Miguel county;

8. seven million dollars (\$7,000,000) to plan, design and construct the New Meadows and Ponderosa buildings at the New Mexico behavioral health institute in Las Vegas in San Miguel county;

9. two million dollars (\$2,000,000) to upgrade the heating, ventilation and air conditioning systems and infrastructure at the southern New Mexico correctional facility in Dona Ana county and the central New Mexico correctional facility in Valencia county;

10. two million four hundred thousand dollars (\$2,400,000) for patient health and safety improvements at department of health facilities statewide;

11. five hundred thousand dollars (\$500,000) for demolition, decommissioning and asbestos abatement of state buildings, including the oil conservation field office in Hobbs in Lea county, El Camino building and CBS barracks at the behavioral health institute in Las Vegas in San Miguel county and the old dormitory at the New Mexico rehabilitation center in Roswell in Chaves county; and

12. three million four hundred eighty thousand dollars (\$3,480,000) for repairs, renovations, deferred maintenance, restoration and infrastructure improvements at state buildings statewide.

Chapter 4 Section 5 Laws 2010 (2nd S.S.)

Section 5. CULTURAL AFFAIRS DEPARTMENT PROJECT--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the cultural affairs department that the need exists for the issuance of the bonds, one million one hundred thousand dollars (\$1,100,000) is appropriated to the cultural affairs department for repairs and infrastructure improvements, including security, fire suppression, electrical, sewer and utility upgrades and improvements to comply with the Americans with Disabilities Act of 1990, to state museums and monuments statewide.

Chapter 4 Section 6 Laws 2010 (2nd S.S.)

Section 6. CUMBRES AND TOLTEC SCENIC RAILROAD COMMISSION PROJECT--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the Cumbres and Toltec scenic railroad commission that the need exists for the issuance of the bonds, four hundred thousand dollars (\$400,000) is appropriated to the Cumbres and Toltec scenic railroad commission for track

rehabilitation and improvements to the Cumbres and Toltec scenic railroad in Rio Arriba county.

Chapter 4 Section 7 Laws 2010 (2nd S.S.)

Section 7. OFFICE OF THE STATE ENGINEER PROJECT--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the office of the state engineer that the need exists for the issuance of the bonds, one million dollars (\$1,000,000) is appropriated to the office of the state engineer for construction and improvements to the Cabresto Lake dam in Taos county, the Bluewater dam in Cibola county and the Hatch site 6 dam in Dona Ana county.

Chapter 4 Section 8 Laws 2010 (2nd S.S.)

Section 8. DEPARTMENT OF FINANCE AND ADMINISTRATION PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the department of finance and administration that the need exists for the issuance of the bonds, the following amounts are appropriated to the department of finance and administration for the following purposes:

1. two million dollars (\$2,000,000) to plan, design, purchase, acquire, construct and improve infrastructure for colonias statewide;
2. two million five hundred thousand dollars (\$2,500,000) for infrastructure development, design and construction for a financial services economic development project in Bernalillo county pursuant to the Local Economic Development Act; and
3. six million dollars (\$6,000,000) for infrastructure development, design and construction of a technical support center in Rio Rancho in Sandoval county pursuant to the Local Economic Development Act.

Chapter 4 Section 9 Laws 2010 (2nd S.S.)

Section 9. EDUCATIONAL INSTITUTION PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the following agencies that the need exists for the issuance of the bonds, the following amounts are appropriated to the following agencies for the following purposes:

1. one million dollars (\$1,000,000) to the board of regents of eastern New Mexico university for infrastructure improvements, including heating, ventilation and air conditioning and other improvements to the Greyhound arena, at eastern New Mexico university in Portales in Roosevelt county; and
2. three million dollars (\$3,000,000) to the higher education department for roof improvements and replacement at New Mexico junior college in Hobbs in Lea county.

Chapter 4 Section 10 Laws 2010 (2nd S.S.)

Section 10. TRIBAL INFRASTRUCTURE PROJECT FUND PROJECT--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the department of finance and administration that the need exists for the issuance of the bonds, two million five hundred thousand dollars (\$2,500,000) is appropriated to the tribal infrastructure project fund for tribal infrastructure projects related to water, wastewater, electrical systems, communications, roads, health, emergency facilities and economic development statewide to carry out the provisions of the Tribal Infrastructure Act.

Chapter 4 Section 11 Laws 2010 (2nd S.S.)

Section 11. DEPARTMENT OF PUBLIC SAFETY PROJECT--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the department of public safety that the need exists for the issuance of the bonds, three hundred thousand dollars (\$300,000) is appropriated to the department of public safety to purchase and equip vehicles.

Chapter 4 Section 12 Laws 2010 (2nd S.S.)

~~[Section 12. DEPARTMENT OF GAME AND FISH PROJECT-- APPROPRIATION FROM THE GAME AND FISH BOND RETIREMENT FUND AND THE GAME PROTECTION FUND.--The following amounts are appropriated from the following funds to the department of game and fish for expenditure in fiscal years 2010 through 2014, unless otherwise provided for in Section 2 of this act, to construct and make improvements to integrate the existing cold water fish hatchery at the Rock Lake warm water fish hatchery in Guadalupe county:~~

~~1. one million two hundred thousand dollars (\$1,200,000) from the game and fish bond retirement fund; and~~

~~2. two million three hundred thousand dollars (\$2,300,000) from the game protection fund.] LINE-ITEM VETO~~

Chapter 4 Section 13 Laws 2010 (2nd S.S.)

Section 13. DEPARTMENT OF TRANSPORTATION PROJECT-- APPROPRIATION FROM THE STATE ROAD FUND.--Three hundred fifty thousand dollars (\$350,000) is appropriated from the state road fund to the department of transportation for expenditure in fiscal years 2010 through 2014, unless otherwise provided for in Section 2 of this act, for purchase, installation and construction of salt storage facilities in Clines Corners in Torrance county and other locations statewide.

Chapter 4 Section 14 Laws 2010 (2nd S.S.)

Section 14. COURT OF APPEALS BUILDING ON THE UNIVERSITY OF NEW MEXICO CAMPUS--EXPAND PURPOSE--SEVERANCE TAX BONDS.--The court of appeals project in Laws 2008, Chapter 92, Section 6 to construct a building for the court of appeals adjacent to the law school at the university of New Mexico in Albuquerque in Bernalillo county may include purchasing and installing furniture, fixtures and equipment.

Chapter 4 Section 15 Laws 2010 (2nd S.S.)

Section 15. EXPLORA SCIENCE CENTER AND CHILDREN'S MUSEUM--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 21 of Section 16 of Chapter 347 of Laws 2005 and reauthorized in Laws 2006, Chapter 107, Section 18 for exhibits, furniture, fixtures, equipment, facilities, portable buildings and an addition at the Explora science center and children's museum in Albuquerque in Bernalillo county is extended through fiscal year 2012.

Chapter 4 Section 16 Laws 2010 (2nd S.S.)

Section 16. EXPLORA SCIENCE CENTER AND CHILDREN'S MUSEUM--EXTEND TIME--GENERAL FUND.--The time of expenditure for the local government division project in Subsection 30 of Section 45 of Chapter 347 of Laws 2005 and reauthorized in Laws 2006, Chapter 107, Section 18 for exhibits, furniture, fixtures, equipment, facilities, portable buildings and an addition at the Explora science center and children's museum in Albuquerque in Bernalillo county is extended through fiscal year 2012.

Chapter 4 Section 17 Laws 2010 (2nd S.S.)

Section 17. STATE MULTIPURPOSE EQUESTRIAN FACILITY--CHANGE TO TINGLEY COLISEUM IMPROVEMENTS--CHANGE AGENCY--SEVERANCE TAX BONDS.--Two million six hundred twenty-five thousand dollars (\$2,625,000) of the unexpended balance of the appropriation to the property control division of the general services department in Paragraph (12) of Subsection B of Section 2 of Chapter 5 of Laws 2009 for a state multipurpose equestrian facility at the state fairgrounds in Bernalillo county shall not be expended for the original purpose but is appropriated to the state fair commission to plan, design, construct, renovate and improve Tingley coliseum and other facilities at Expo New Mexico in Albuquerque in Bernalillo county.

Chapter 4 Section 18 Laws 2010 (2nd S.S.)

Section 18. STATE BUILDINGS REPAIRS AND RENOVATIONS--CHANGE TO ALBUQUERQUE TRI-SERVICES LAB PROJECT--GENERAL FUND.--The unexpended balance of the appropriation to the capital program fund originally appropriated in Subsection 12 of Section 38 of Chapter 42 of Laws 2007 and reappropriated in Laws 2009, Chapter 128, Section 500 for emergency repairs, repairs

and renovations to state buildings statewide shall not be expended for the original or reappropriated purpose but is changed to purchase, install, equip and furnish the tri-services lab facility project, including moving new and existing furniture and equipment, at the state laboratory services building in Albuquerque in Bernalillo county.

Chapter 4 Section 19 Laws 2010 (2nd S.S.)

Section 19. STATE BUILDINGS IMPROVEMENTS--CHANGE TO STATE LABORATORY TRI-SERVICES LAB FACILITY--SEVERANCE TAX BONDS.--Six hundred seventy thousand forty-eight dollars (\$670,048) of the unexpended balance of the appropriation to the capital program fund in Subsection 9 of Section 3 of Chapter 7 of Laws 2009 (1st S.S.) for improvements to state buildings statewide shall not be expended for the original purpose but is changed to purchase, install, equip and furnish the tri-services lab facility project at the state laboratory services building in Albuquerque in Bernalillo county.

Chapter 4 Section 20 Laws 2010 (2nd S.S.)

Section 20. STATE MULTIPURPOSE EQUESTRIAN FACILITY--CHANGE TO UNIVERSITY OF NEW MEXICO BASEBALL STADIUM--CHANGE AGENCY--SEVERANCE TAX BONDS.--Two million dollars (\$2,000,000) of the unexpended balance of the appropriation to the property control division of the general services department in Paragraph (12) of Subsection B of Section 2 of Chapter 5 of Laws 2009 for a state multipurpose equestrian facility at the state fairgrounds in Bernalillo county shall not be expended for the original purpose but is appropriated to the board of regents of the university of New Mexico to plan, design, demolish, furnish, construct, renovate and equip the baseball stadium at the university of New Mexico in Albuquerque in Bernalillo county.

Chapter 4 Section 21 Laws 2010 (2nd S.S.)

Section 21. COUNTY FAIRGROUNDS AND RODEO FACILITIES IMPROVEMENTS--CHANGE TO UNIVERSITY OF NEW MEXICO MAGNETIC RESONANCE IMAGING SCANNER--CHANGE AGENCY--SEVERANCE TAX BONDS.--Seven hundred thousand dollars (\$700,000) of the unexpended balance of the appropriation to the department of finance and administration in Subsection 5 of Section 22 of Chapter 125 of Laws 2009 to plan, design, construct and equip county fairgrounds and public rodeo facilities statewide shall not be expended for the original purpose but is appropriated to the board of regents of the university of New Mexico to acquire a magnetic resonance imaging scanner for the tri-services lab facility for use by the office of the medical investigator in Albuquerque in Bernalillo county.

Chapter 4 Section 22 Laws 2010 (2nd S.S.)

Section 22. CANNON AIR FORCE BASE INFRASTRUCTURE, EXPANSION AND RENOVATION--CHANGE AGENCY--SEVERANCE TAX BONDS.--The

unexpended balance of the appropriation originally authorized to the department of finance and administration in Subsection 2 of Section 15 of Chapter 111 of Laws 2006 to acquire land and water rights and to plan, design and construct infrastructure for Cannon air force base in Curry county and reauthorized in Laws 2007, Chapter 341, Section 98 to include acquiring land and water rights statewide and renovating, equipping and furnishing infrastructure and other improvements to be used in connection with the new mission of Cannon air force base, including expansion and renovation of the base, is appropriated to the office of military base planning and support for those purposes.

Chapter 4 Section 23 Laws 2010 (2nd S.S.)

Section 23. DE BACA COUNTY TRANSFER STATION EQUIPMENT PURCHASE--EXPAND PURPOSE--EXTEND TIME--SEVERANCE TAX BONDS.--The department of environment project in Subsection 15 of Section 15 of Chapter 92 of Laws 2008 to purchase equipment for a transfer station in De Baca county may include designing, constructing and equipping a transfer station. The time of expenditure is extended through fiscal year 2012.

Chapter 4 Section 24 Laws 2010 (2nd S.S.)

Section 24. STATE MULTIPURPOSE EQUESTRIAN FACILITY--CHANGE TO NEW MEXICO STATE UNIVERSITY PAN AMERICAN CENTER--CHANGE AGENCY--SEVERANCE TAX BONDS.--Two hundred fifty thousand dollars (\$250,000) of the unexpended balance of the appropriation to the property control division of the general services department in Paragraph (12) of Subsection B of Section 2 of Chapter 5 of Laws 2009 for a state multipurpose equestrian facility at the state fairgrounds in Bernalillo county shall not be expended for the original purpose but is appropriated to the board of regents of New Mexico state university to plan, design, construct, equip and furnish the Pan American center, including demolition and installing a floor, at New Mexico state university in Dona Ana county.

Chapter 4 Section 25 Laws 2010 (2nd S.S.)

Section 25. SANTA TERESA SAFETY INSPECTION STATION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the capital program fund project in Paragraph (6) of Subsection B of Section 25 of Chapter 429 of Laws 2003 and reauthorized in Laws 2008, Chapter 83, Section 398 to plan, design, construct, equip and furnish a safety inspection station at Santa Teresa in Dona Ana county is extended through fiscal year 2012.

Chapter 4 Section 26 Laws 2010 (2nd S.S.)

Section 26. HATCH WASTEWATER SYSTEM IMPROVEMENTS--EXTEND TIME--GENERAL FUND.--The time of expenditure for the department of environment project in Subsection 38 of Section 45 of Chapter 111 of Laws 2006 for regional

wastewater improvements in Hatch in Dona Ana county is extended through fiscal year 2012.

Chapter 4 Section 27 Laws 2010 (2nd S.S.)

Section 27. ALBUQUERQUE EQUESTRIAN FACILITY--CHANGE TO SANTA TERESA SAFETY INSPECTION STATION--CHANGE AGENCY--SEVERANCE TAX BONDS.--One million four hundred eighty thousand dollars (\$1,480,000) of the unexpended balance of the appropriation to the local government division in Subsection 9 of Section 21 of Chapter 92 of Laws 2008 for an equestrian facility in Albuquerque in Bernalillo county shall not be expended for the original purpose but is appropriated to the capital program fund to plan, design, construct, equip and furnish a safety inspection station in Santa Teresa in Dona Ana county.

Chapter 4 Section 28 Laws 2010 (2nd S.S.)

Section 28. SANTA TERESA SAFETY INSPECTION STATION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the capital program fund project in Paragraph (3) of Subsection B of Section 25 of Chapter 429 of Laws 2003 and reauthorized in Laws 2008, Chapter 83, Section 208 to plan, design and construct a safety inspection station at Santa Teresa in Dona Ana county is extended through fiscal year 2012.

Chapter 4 Section 29 Laws 2010 (2nd S.S.)

Section 29. SANTA TERESA SAFETY INSPECTION STATION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the capital program fund project in Subsection C of Section 5 of Chapter 2 of Laws 1999 (1st S.S.) and reauthorized in Laws 2003, Chapter 429, Section 124 and again in Laws 2008, Chapter 83, Section 209 to plan, design and construct a safety inspection station in Santa Teresa in Dona Ana county is extended through fiscal year 2012.

Chapter 4 Section 30 Laws 2010 (2nd S.S.)

Section 30. SANTA TERESA SAFETY INSPECTION STATION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the capital program fund project in Paragraph (10) of Subsection B of Section 25 of Chapter 429 of Laws 2003 and reauthorized in Laws 2005, Chapter 347, Section 181 and again in Laws 2008, Chapter 83, Section 397 to plan, design, construct, equip and furnish a safety inspection station at Santa Teresa in Dona Ana county is extended through fiscal year 2012.

Chapter 4 Section 31 Laws 2010 (2nd S.S.)

Section 31. MORA, LAS VEGAS AND WEST LAS VEGAS PUBLIC SCHOOL DISTRICTS INFORMATION TECHNOLOGY AND PHONE SYSTEMS--CLARIFYING

THE PURPOSE--EXTENDING THE TIME--GENERAL FUND.--The local government division project originally appropriated in Paragraph (10) of Subsection B of Section 63 of Chapter 111 of Laws 2006 and reappropriated in Laws 2007, Chapter 341, Section 209 and further reappropriated in Laws 2009, Chapter 128, Section 348 to purchase and install an automated phone system for the Mora independent school district, west Las Vegas public school district, Las Vegas city public school district and Wagon Mound public school district and to purchase and install information technology, including related equipment, furniture and infrastructure, in the Mora independent school district in San Miguel and Mora counties may be expended for these purposes by these school districts with the exception of the Wagon Mound public school district. The time of expenditure is extended through fiscal year 2012.

Chapter 4 Section 32 Laws 2010 (2nd S.S.)

Section 32. ALAMOGORDO PUBLIC LIBRARY CONSTRUCT--EXPAND PURPOSE--GENERAL FUND.--The local government division project in Subsection 497 of Section 68 of Chapter 42 of Laws 2007 to plan, design, construct, equip and furnish a public library in Alamogordo in Otero county may include renovations.

Chapter 4 Section 33 Laws 2010 (2nd S.S.)

Section 33. NEW MEXICO SCHOOL FOR THE DEAF DILLON HALL--EXPAND PURPOSE--SEVERANCE TAX BONDS.--Two million five hundred ninety-one thousand seven hundred four dollars (\$2,591,704) of the unexpended balance of the appropriation to the board of regents of the New Mexico school for the deaf in Subsection 1 of Section 9 of Chapter 92 of Laws 2008 to plan, design, construct, renovate, equip and furnish Dillon hall at the New Mexico school for the deaf in Santa Fe in Santa Fe county may include correcting other capital deficiencies at that campus.

Chapter 4 Section 34 Laws 2010 (2nd S.S.)

Section 34. NEW MEXICO SCHOOL FOR THE DEAF DILLON HALL--CHANGE TO SIGN AND LANGUAGE ACADEMY CHARTER SCHOOL--SEVERANCE TAX BONDS.--One hundred thousand dollars (\$100,000) of the unexpended balance of the appropriation to the board of regents of the New Mexico school for the deaf in Subsection 1 of Section 9 of Chapter 92 of Laws 2008 to plan, design, construct, renovate, equip and furnish Dillon hall at the New Mexico school for the deaf in Santa Fe in Santa Fe county shall not be expended for the original purpose but is appropriated to the public education department to renovate and improve a facility for the sign and language academy charter school in Albuquerque in Bernalillo county.

Chapter 4 Section 35 Laws 2010 (2nd S.S.)

Section 35. WEST CAPITOL COMPLEX PROPERTY ACQUISITION--EXPANDING PURPOSE OF ACQUISITION.--The appropriations in Laws 2007, Chapter 64, Section 6 as amended by Laws 2009, Chapter 114, Section 6 for the

acquisition of property within the west capitol complex owned by the United States general services administration and the United States forest service shall be expended also for the acquisition of parcels A and B, which are contiguous to Siringo road; parcel D, which is contiguous to the state printing property; and parcel C, which is contiguous to parcels B and D, all being the most southeastern parcels of vacant land within the former college of Santa Fe campus in Santa Fe in Santa Fe county, notwithstanding the provisions of Section 15-3B-18 NMSA 1978.

Chapter 4 Section 36 Laws 2010 (2nd S.S.)

Section 36. FAIR AND ARENA RODEO FACILITIES IMPROVEMENTS--CHANGE TO CONSERVATION EASEMENTS STATEWIDE--CHANGE AGENCY--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the local government division in Paragraph (15) of Subsection B of Section 2 of Chapter 5 of Laws 2009 for improvements to fair and arena rodeo facilities shall not be expended for the original purpose but is appropriated to the energy, mineral and natural resources department for restoration projects and the purchase of conservation easements statewide.

Chapter 4 Section 37 Laws 2010 (2nd S.S.)

Section 37. COUNTY FAIRGROUNDS AND RODEO FACILITIES IMPROVEMENTS--CHANGE TO STATE POLICE FLEET REPLACEMENTS--CHANGE AGENCY--SEVERANCE TAX BONDS.--Three hundred thousand dollars (\$300,000) of the unexpended balance of the appropriation to the department of finance and administration in Subsection 5 of Section 22 of Chapter 125 of Laws 2009 to plan, design, construct and equip county fairgrounds and public rodeo facilities statewide shall not be expended for the original purpose but is appropriated to the New Mexico state police division of the department of public safety for fleet replacements and improvements.

Chapter 4 Section 38 Laws 2010 (2nd S.S.)

Section 38. ALBUQUERQUE EQUESTRIAN FACILITY--CHANGE TO INFRASTRUCTURE RENOVATIONS AT THE CARLSBAD BRANCH OF NEW MEXICO STATE UNIVERSITY--SEVERANCE TAX BONDS.--Five hundred thousand dollars (\$500,000) of the unexpended balance of the appropriation to the local government division in Subsection 9 of Section 21 of Chapter 92 of Laws 2008 for an equestrian facility in Albuquerque in Bernalillo county shall not be expended for the original purpose but is appropriated to the board of regents of New Mexico state university for infrastructure renovation, including improvements to the heating, ventilation and air conditioning systems, classrooms, energy management systems, hot water systems and transportation and parking, at the Carlsbad branch campus of New Mexico state university in Eddy county.

Chapter 4 Section 39 Laws 2010 (2nd S.S.)

Section 39. STATE BUILDINGS IMPROVEMENTS--CHANGE TO TINGLEY COLISEUM AND EXPO NEW MEXICO FACILITIES IMPROVEMENTS--CHANGE AGENCY--SEVERANCE TAX BONDS.--Three hundred twenty-nine thousand nine hundred fifty-two dollars (\$329,952) of the unexpended balance of the appropriation to the capital program fund in Subsection 9 of Section 3 of Chapter 7 of Laws 2009 (1st S.S.) for improvements to state buildings statewide shall not be expended for the original purpose but is appropriated to the state fair commission to plan, design, construct, renovate and improve Tingley coliseum and other facilities at Expo New Mexico in Albuquerque in Bernalillo county.

Chapter 4 Section 40 Laws 2010 (2nd S.S.)

Section 40. PROJECT SCOPE--EXPENDITURES.--If an appropriation for a project authorized in this act is not sufficient to complete all the purposes specified, the appropriation may be expended for any portion of the purposes specified in the appropriation. Expenditures shall not be made for purposes other than those specified in the appropriation.

Chapter 4 Section 41 Laws 2010 (2nd S.S.)

Section 41. ART IN PUBLIC PLACES.--Pursuant to Section 13-4A-4 NMSA 1978 and where applicable, the appropriations authorized in this act include one percent for the art in public places fund.

House Bill 5, aa, w/o ec, partial veto

Approved March 19, 2010

Laws 2010 (2nd SS) CHAPTER 5

AN ACT

RELATING TO TAXATION; ~~TEMPORARILY INCREASING THE CIGARETTE TAX BY SEVENTY-FIVE CENTS (\$.75) PER PACK; PROVIDING FOR A TRIBAL TAX-CREDIT STAMP FOR TRIBES THAT IMPOSE A TRIBAL CIGARETTE TAX; ADJUSTING THE DISTRIBUTIONS OF THE CIGARETTE TAX AND DISCOUNTS FOR TAX STAMPS; AMENDING EXEMPTIONS FROM THE CIGARETTE TAX; DISTRIBUTING ADDITIONAL REVENUE ATTRIBUTABLE TO THE INCREASE IN THE CIGARETTE TAX FOR EARLY CHILDHOOD PROGRAMS AND TO THE GENERAL FUND.~~

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

Chapter 5 Section 1 Laws 2010 (2nd S.S.)

Section 1. Section 7-1-6.11 NMSA 1978 (being Laws 1983, Chapter 211, Section 16, as amended) is amended to read:

"7-1-6.11. DISTRIBUTIONS OF CIGARETTE TAXES.--

~~[A. A distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to the county and municipality recreational fund in an amount equal to eighty-three hundredths percent of the net receipts, exclusive of penalties and interest, attributable to the cigarette tax.~~

~~B. A distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to the county and municipal cigarette tax fund in an amount equal to one and sixty-six hundredths percent of the net receipts, exclusive of penalties and interest, attributable to the cigarette tax.]~~ *LINE-ITEM VETO*

C. A distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to the cancer research and treatment center at the university of New Mexico health sciences center in an amount equal to eighty-three hundredths percent of the net receipts, exclusive of penalties and interest, attributable to the cigarette tax.

D. A distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to the New Mexico finance authority in an amount equal to one and twenty-five hundredths percent of the net receipts, exclusive of penalties and interest, attributable to the cigarette tax.

E. A distribution pursuant to Section 7-1-6.1 NMSA 1978 in an amount equal to eight and eighty-nine hundredths percent of the net receipts, exclusive of penalties and interest, attributable to the cigarette tax, shall be made, on behalf of and for the benefit of the university of New Mexico health sciences center, to the New Mexico finance authority.

F. A distribution pursuant to Section 7-1-6.1 NMSA 1978 in an amount equal to three and seventy-four hundredths percent of the net receipts, exclusive of penalties and interest, attributable to the cigarette tax shall be made to the New Mexico finance authority for land acquisition and the planning, designing, construction and equipping of department of health facilities or improvements to such facilities.

G. A distribution pursuant to Section 7-1-6.1 NMSA 1978 in an amount equal to nine and seventy-seven hundredths percent of the net receipts, exclusive of penalties and interest, attributable to the cigarette tax shall be made to the New Mexico finance authority for deposit in the credit enhancement account created in the authority.

H. A distribution pursuant to Section 7-1-6.1 NMSA 1978 in an amount equal to sixty-two hundredths percent of the net receipts, exclusive of penalties and interest, attributable to the cigarette tax shall be made, on behalf of and for the benefit of the rural county cancer treatment fund, to the New Mexico finance authority.

~~[I. A distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to the public education department in an amount equal to five and eleven hundredths percent of the net receipts, exclusive of penalties and interest, attributable to the cigarette tax and is appropriated to the public education department for fiscal year 2011 and shall be used for early childhood programs but shall not be used for administration or administrative purposes.~~

~~J. A distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to the children, youth and families department for early childhood programs, including state-assisted child care, TEACH and other early childhood initiatives, in an amount equal to seven and eleven hundredths percent of the net receipts, exclusive of penalties and interest, attributable to the cigarette tax and is appropriated to the children, youth and families department for fiscal year 2011.]~~ *LINE-ITEM VETO*

Chapter 5 Section 2 Laws 2010 (2nd S.S.)

Section 2. Section 7-12-2 NMSA 1978 (being Laws 1971, Chapter 77, Section 2, as amended) is amended to read:

"7-12-2. DEFINITIONS.--As used in the Cigarette Tax Act:

A. "cigarette" means:

(1) any roll of tobacco or any substitute for tobacco wrapped in paper or in any substance not containing tobacco;

(2) any roll of tobacco that is wrapped in any substance containing tobacco, other than one hundred percent natural leaf tobacco, which, because of its appearance, the type of tobacco used in the filler, its packaging and labeling, or its marketing and advertising, is likely to be offered to, or purchased by, consumers as a cigarette, as described in Paragraph (1) of this subsection;

(3) bidis and kreteks; or

(4) any other roll of tobacco that is defined as a "cigarette" in Subsection D of Section 6-4-12 NMSA 1978;

B. "close of business" means that time when a business ceases to operate for the remainder of the day or 12:00 a.m., if the business is open and conducting business at 12:00 a.m.;

C. "contraband cigarettes" means cigarette packages with counterfeit stamps, counterfeit cigarettes, cigarettes that have false or fraudulent manufacturing labels, cigarettes not sold in packages of five, ten, twenty or twenty-five, cigarette packages without the tax, tax-credit or tax-exempt stamps required by the Cigarette Tax

Act and cigarettes produced by a manufacturer or in a brand family not included in the directory;

D. "department" means the taxation and revenue department, the secretary of taxation and revenue or any employee of the department exercising authority lawfully delegated to that employee;

E. "directory" means a listing of tobacco product manufacturers and brand families that is developed, maintained and published by the attorney general under the Tobacco Escrow Fund Act;

F. "distributor" means a person licensed pursuant to the Cigarette Tax Act to sell or distribute cigarettes in New Mexico. "Distributor" does not include:

(1) a retailer;

(2) a cigarette manufacturer, export warehouse proprietor or importer with a valid permit pursuant to 26 U.S.C. 5713, if that person sells cigarettes in New Mexico only to distributors that hold valid licenses under the laws of a state or sells to an export warehouse proprietor or to another manufacturer; or

(3) a common or contract carrier transporting cigarettes pursuant to a bill of lading or freight bill, or a person who ships cigarettes through the state by a common or contract carrier pursuant to a bill of lading or freight bill;

G. "license" means a license granted pursuant to the Cigarette Tax Act that authorizes the holder to conduct business as a manufacturer or distributor of cigarettes;

H. "manufacturer" means a person that manufactures, fabricates, assembles, processes or labels a cigarette or that imports from outside the United States, directly or indirectly, a finished cigarette for sale or distribution in the United States;

I. "master settlement agreement" means the settlement agreement and related documents entered into on November 23, 1998 by the state and leading United States tobacco product manufacturers;

J. "package" means an individual pack, box or other container; "package" does not include a container that itself contains other containers, such as a carton of cigarettes;

K. "qualifying tribal cigarette tax" means an excise, privilege or similar tax at a minimum rate of:

(1) three and seventy-five hundredths cents (\$.0375) per cigarette if the cigarettes are packaged in lots of twenty or twenty-five;

(2) seven and one-half cents (\$.075) per cigarette if the cigarettes are packaged in lots of ten; or

(3) fifteen cents (\$.15) per cigarette if the cigarettes are packaged in lots of five;

L. "retailer" means a person, whether located within or outside of New Mexico, that sells cigarettes at retail to a consumer in New Mexico and the sale is not for resale;

M. "stamp" means an adhesive label issued and authorized by the department to be affixed to cigarette packages for excise tax purposes and upon which is printed a serial number and the words "State of New Mexico" and "tobacco tax";

N. "tax stamp" means a stamp that has a specific cigarette tax value pursuant to the Cigarette Tax Act;

O. "tax-credit stamp" means a stamp that indicates the cigarette package bearing the stamp is to be or has been sold by a retailer located on land of a tribe that has imposed a qualifying tribal cigarette tax;

P. "tax-exempt stamp" means a stamp that indicates a tax-exempt status pursuant to the Cigarette Tax Act;

Q. "tribal member" means a person who is recognized by the governing body of an Indian tribe to be an enrolled member of that Indian tribe;

R. "tribe" means a federally recognized Indian nation, tribe or pueblo located wholly or partially in New Mexico, including:

(1) a political subdivision, agency or department of a tribe;

(2) an incorporated or unincorporated enterprise of a tribe, one or more tribes or a political subdivision of a tribe; or

(3) a corporation considered to be an Indian or a tribe by the federal government or the state; and

S. "tribe's land" means the reservation, pueblo grant or trust land of a tribe and property held by the United States in trust jointly for the nineteen New Mexico Indian pueblos pursuant to Public Law 95-232."

Chapter 5 Section 3 Laws 2010 (2nd S.S.)

Section 3. Section 7-12-3 NMSA 1978 (being Laws 1971, Chapter 77, Section 3, as amended) is amended to read:

"7-12-3. EXCISE TAX ON CIGARETTES--RATES.--

A. For the privilege of selling, giving or consuming cigarettes in New Mexico, there is levied an excise tax at the following rates for each cigarette sold, given or consumed in this state:

(1) eight and three-tenths cents (\$.083) if the cigarettes are packaged in lots of twenty or twenty-five;

(2) sixteen and six-tenths cents (\$.166) if the cigarettes are packaged in lots of ten; or

(3) thirty-three and two-tenths cents (\$.332) if the cigarettes are packaged in lots of five.

B. The tax imposed by this section shall be referred to as the "cigarette tax".

Chapter 5 Section 4 Laws 2010 (2nd S.S.)

Section 4. Section 7-12-3.1 NMSA 1978 (being Laws 1986, Chapter 13, Section 3, as amended) is amended to read:

"7-12-3.1. CIGARETTE INVENTORY TAX--IMPOSITION OF TAX--DATE PAYMENT OF TAX DUE.--

A. A tax that may be identified as the "cigarette inventory tax" is imposed on a distributor that has in its possession tax-exempt stamps, tax-credit stamps or tax stamps, whether or not affixed to packages of cigarettes, at the close of business on the day prior to the date on which an increase in the cigarette tax imposed by Section 7-12-3 NMSA 1978 is effective.

B. The cigarette inventory tax due from the distributor is calculated by multiplying the number of tax stamps in the distributor's possession by the increase in the excise tax. Tax-exempt stamps and tax-credit stamps are not included in the calculation to determine the amount of cigarette inventory tax to be paid by a distributor.

C. The cigarette inventory tax is to be paid to the department on or before the twenty-fifth day of the month following the month in which the increase in the cigarette tax is effective."

Chapter 5 Section 5 Laws 2010 (2nd S.S.)

Section 5. Section 7-12-3.2 NMSA 1978 (being Laws 1986, Chapter 13, Section 4, as amended) is amended to read:

"7-12-3.2. CIGARETTE INVENTORIES.--

A. At the close of business on the day prior to any date on which the cigarette tax imposed by Section 7-12-3 NMSA 1978 is increased, each distributor shall take inventory of tax-exempt stamps, tax-credit stamps and tax stamps on hand, including stamps affixed to packages of cigarettes.

B. Each distributor shall report the total number of tax-exempt stamps, tax-credit stamps and tax stamps in inventory at the close of business on the day prior to the date on which the cigarette tax increases and pay the cigarette inventory tax due."

Chapter 5 Section 6 Laws 2010 (2nd S.S.)

Section 6. Section 7-12-4 NMSA 1978 (being Laws 1971, Chapter 77, Section 4, as amended) is amended to read:

"7-12-4. EXEMPTION.--

A. Exempted from the cigarette tax are sales of cigarettes:

(1) to the United States or any agency or instrumentality thereof or the state of New Mexico or any political subdivision thereof;

(2) to a tribe, or to a tribal member licensed by the governing body of a tribe for use or sale on that tribe's land, if the tribe has in place a qualifying tribal cigarette tax; and

(3) sales that the state is prohibited from taxing by a provision of the United States constitution or the constitution of the state of New Mexico.

B. As used in this section, the term "agency or instrumentality" does not include persons who are agents or instrumentalities of the United States for a particular purpose or only when acting in a particular capacity or corporate agencies or instrumentalities."

Chapter 5 Section 7 Laws 2010 (2nd S.S.)

Section 7. A new section of the Cigarette Tax Act is enacted to read:

"CIGARETTE TAX--TRIBAL SALES--TAX-CREDIT STAMPS.--

A. A distributor shall obtain from the department tax-credit stamps to affix to packages of cigarettes sold to a tribe or a tribal member licensed or otherwise

approved by a tribe to sell cigarettes under the authority of the tribe on that tribe's land; provided that the tribe has certified to the department that the tribe has in effect a qualifying tribal cigarette tax.

B. Cigarettes sold by a tribe or tribal member bearing a tax-credit stamp shall be sold for use or sale on that tribe's land or on the land of another tribe or for use but not for resale in the state or at a location off any tribe's land."

Chapter 5 Section 8 Laws 2010 (2nd S.S.)

Section 8. Section 7-12-5 NMSA 1978 (being Laws 1971, Chapter 77, Section 5, as amended) is amended to read:

"7-12-5. AFFIXING STAMPS.--

A. Except as provided in Section 7-12-6 NMSA 1978, all cigarettes shall be placed in packages or containers to which a stamp shall be affixed. Only a distributor with a valid license issued pursuant to the Cigarette Tax Act may purchase or obtain unaffixed tax-exempt stamps, tax-credit stamps or tax stamps. A distributor shall not sell or provide unaffixed stamps to another distributor, manufacturer, export warehouse proprietor or importer with a valid permit pursuant to 26 U.S.C. 5713 or any other person.

B. Stamps shall be affixed by the distributor to each package of cigarettes to be sold or distributed in New Mexico within thirty days of receipt of those packages.

C. A distributor shall apply stamps only to packages of cigarettes that the distributor has received directly from another distributor or from a manufacturer or importer of cigarettes that possesses a valid and current permit pursuant to 26 U.S.C. 5713.

D. A distributor shall not affix a stamp to a package of cigarettes of a manufacturer or a brand family that is not included in the directory or sell, offer or possess for sale cigarettes of a manufacturer or brand family that is not included in the directory.

E. Packages shall contain cigarettes in lots of five, ten, twenty or twenty-five.

F. Unless the requirements of this section are waived pursuant to Section 7-12-6 NMSA 1978, a tax stamp shall be affixed to each package of cigarettes subject to the cigarette tax, a tax-credit stamp shall be affixed to each package of cigarettes subject to a qualifying tribal cigarette tax, and a tax-exempt stamp shall be affixed to each package of cigarettes not subject to the cigarette tax pursuant to Section 7-12-4 NMSA 1978.

G. A tax-exempt stamp or tax-credit stamp is not an excise tax stamp for purposes of determining units sold pursuant to Section 6-4-12 NMSA 1978.

H. Stamps shall be affixed inside the boundaries of New Mexico, unless the department has granted a license allowing a person to affix stamps outside New Mexico."

Chapter 5 Section 9 Laws 2010 (2nd S.S.)

Section 9. Section 7-12-7 NMSA 1978 (being Laws 1971, Chapter 77, Section 7, as amended by Laws 2006, Chapter 89, Section 3 and by Laws 2006, Chapter 91, Section 6) is amended to read:

"7-12-7. SALE OF STAMPS--PRICES.--

A. Only the department shall sell stamps. Stamps may be sold by the department only to a distributor.

B. Stamps shall display a serial number. Stamps bearing the same serial number shall not be sold to more than one distributor. The department shall keep records of the serial numbers of the stamps provided to each distributor.

C. A stamp shall be affixed to a package of cigarettes in such a manner as to clearly display the serial number at the point of sale.

D. Tax stamps shall be sold at their face value with the following discounts:

(1) fifty-five hundredths percent less than the face value of the first thirty thousand dollars (\$30,000) of stamps purchased in one calendar month;

(2) forty-four hundredths percent less than the face value of the second thirty thousand dollars (\$30,000) of stamps purchased in one calendar month; and

(3) twenty-seven hundredths percent less than the face value of stamps purchased in excess of sixty thousand dollars (\$60,000) in one calendar month.

E. Tax-credit stamps shall be provided only to distributors and shall be provided free of charge; provided that the distributor is in full compliance with the reporting requirements of the Cigarette Tax Act and rules adopted pursuant to that act.

F. If the face value of tax stamps sold in a single sale is less than one thousand dollars (\$1,000), the discount provided for in this section shall not be allowed.

G. Payment for tax stamps shall be made on or before the twenty-fifth day of the month following the month in which the sale of stamps by the department is made.

H. Tax-exempt stamps shall be provided only to distributors and shall be free of charge; provided that the distributor is in full compliance with the reporting requirements of the Cigarette Tax Act and rules adopted pursuant to that act."

Chapter 5 Section 10 Laws 2010 (2nd S.S.)

Section 10. Section 7-12-9.2 NMSA 1978 (being Laws 2006, Chapter 91, Section 8, as amended) is amended to read:

"7-12-9.2. DISTRIBUTOR'S LICENSE.--

A. A person shall not distribute stamped packages of cigarettes for resale or sell stamped packages of cigarettes at wholesale without first obtaining a distributor's license from the department.

B. A person licensed to distribute cigarettes is authorized to:

(1) receive unstamped packages of cigarettes from a manufacturer or a distributor;

(2) purchase tax stamps and receive tax-exempt stamps and tax-credit stamps from the department;

(3) affix tax stamps, tax-credit stamps or tax-exempt stamps to unstamped packages of cigarettes;

(4) sell stamped packages of cigarettes to a retailer for resale or to a distributor; and

(5) sell unstamped packages of cigarettes to a person licensed to distribute cigarettes outside of New Mexico or to a distributor."

Chapter 5 Section 11 Laws 2010 (2nd S.S.)

Section 11. Section 7-12-17 NMSA 1978 (being Laws 1971, Chapter 77, Section 14, as amended) is amended to read:

"7-12-17. REPORTING REQUIREMENTS--PENALTY.--

A. Each person who sells in New Mexico cigarettes manufactured by that person or who receives on consignment or buys cigarettes either directly from the

manufacturer or from any out-of-state person for resale in New Mexico shall report to the department by the twenty-fifth day of each month that person's sales of cigarettes during the preceding month in each municipality and within that portion of each county outside of the municipalities located in that county. The department shall then advise the state treasurer of the proportion of the total sales of cigarettes for the month within each municipality and within that portion of each county outside of municipalities, including sales of cigarettes to tribes or tribal members in a county or municipality. The reports of such persons shall, upon receipt by the department, become public records.

B. Any person who sells in New Mexico cigarettes manufactured by that person or who receives on consignment or buys cigarettes for resale in New Mexico who willfully fails to render accurately the reports required by this section and any municipal or county officer who approves any expenditure or expends funds distributed from the county and municipality recreational fund for any purposes other than permitted by Section 7-12-15 NMSA 1978 is guilty of a petty misdemeanor.

C. Any tobacco product manufacturer, stamping agent or importer of cigarettes, or any officer, employee or agent of any such entity, who knowingly makes a materially false statement in any record required to be kept by the Cigarette Tax Act, or in any report or return required to be filed with the department by the Cigarette Tax Act, is guilty of a fourth degree felony."

Chapter 5 Section 12 Laws 2010 (2nd S.S.)

Section 12. Section 7-12-18 NMSA 1978 (being Laws 2006, Chapter 91, Section 14, as amended) is amended to read:

"7-12-18. REPORTS.--

A. A distributor shall submit periodic reports to the department, in the manner and on the form prescribed by the department. A distributor shall submit a separate report for each of its facilities. The information in the report shall be itemized and shall clearly disclose cigarette brands, quantities and the type of stamp applied to the packages of cigarettes. A report shall include:

(1) an inventory of stamped and unstamped packages of cigarettes held for sale or distribution within New Mexico at the beginning of the reporting period;

(2) the quantity of stamped packages of cigarettes held for sale or distribution within New Mexico that were received from another person during the reporting period and the name and address of each person from whom each quantity was received;

(3) the quantity of New Mexico stamped packages of cigarettes that were distributed or shipped to another distributor or retailer within New Mexico during

the reporting period and the name and address of each person to whom each quantity was distributed or shipped;

(4) the quantity of unstamped packages of cigarettes that were distributed or shipped to another distributor within New Mexico during the reporting period and the name and address of each person to whom each quantity was distributed or shipped;

(5) the quantity of New Mexico stamped packages of cigarettes that were distributed or shipped to another facility of the same distributor within New Mexico during the reporting period and the address of that facility;

(6) the quantity of stamped cigarette packages that were distributed or shipped within New Mexico to a tribe or tribal member or to instrumentalities of the federal government during the reporting period and the name and address of each person, entity or instrumentality to whom each quantity was distributed or shipped;

(7) an inventory of stamped and unstamped packages of cigarettes held for sale or distribution within New Mexico at the end of the reporting period;

(8) an inventory of stamped and unstamped packages of cigarettes for sale or distribution outside of New Mexico at the beginning of the reporting period;

(9) the quantity of packages of cigarettes held for sale or distribution outside of New Mexico that were received from another person during the reporting period and the name and address of each person from whom each quantity was received;

(10) the quantity of packages of cigarettes that were distributed or shipped outside New Mexico during the reporting period;

(11) an inventory of packages of cigarettes held for sale or distribution outside of New Mexico at the end of the reporting period;

(12) the number of each type of stamp on hand at the beginning of the reporting period;

(13) the number of each type of stamp purchased or received during the reporting period;

(14) the number of each type of stamp applied during the reporting period; and

(15) the number of each type of stamp on hand at the end of the reporting period.

B. A manufacturer shall submit periodic reports in the manner and on the form prescribed by the department. The information in the report shall be itemized to clearly disclose cigarette brands and quantities. The reports shall be provided separately with respect to each of the facilities operated by the manufacturer. A report shall contain the quantity of packages of cigarettes that were distributed or shipped:

(1) to a manufacturer, distributor or retailer within New Mexico during the reporting period and the name and address of each person to whom each quantity was distributed or shipped;

(2) to another facility within New Mexico of the same manufacturer during the reporting period and the address of the facility; and

(3) within New Mexico to a tribe or tribal member or to instrumentalities of the federal government during the reporting period and the name and address of each person, entity or instrumentality to whom each quantity was distributed or shipped.

C. The department may require additional information to be submitted. The department shall establish the reporting period, which shall be no longer than three calendar months and no shorter than one calendar month."

Chapter 5 Section 13 Laws 2010 (2nd S.S.)

Section 13. Section 7-12-19 NMSA 1978 (being Laws 2006, Chapter 91, Section 15) is amended to read:

"7-12-19. INTERGOVERNMENTAL AGREEMENTS--NO WAIVER OF SOVEREIGN IMMUNITY.--

A. The department may enter into an intergovernmental agreement with a tribe to:

(1) enforce, administer or otherwise implement the provisions of the Cigarette Tax Act;

(2) increase the ability of the department to account for packages of cigarettes imported into, sold or transferred within and exported from the state; and

(3) provide for cooperative tax collection or tax administration of the cigarette tax.

B. Nothing in the Cigarette Tax Act shall be construed to waive or restrict the sovereign immunity of a tribe or the state."

Chapter 5 Section 14 Laws 2010 (2nd S.S.)

[Section 14. Section 7-1-6.11 NMSA 1978 (being Laws 1983, Chapter 211, Section 16, as amended) is repealed and a new Section 7-1-6.11 NMSA 1978 is enacted to read:

~~"7-1-6.11. DISTRIBUTIONS OF CIGARETTE TAXES.--~~

~~A. A distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to the county and municipality recreational fund in an amount equal to one and thirty-five hundredths percent of the net receipts, exclusive of penalties and interest, attributable to the cigarette tax.~~

~~B. A distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to the county and municipal cigarette tax fund in an amount equal to two and sixty-nine hundredths percent of the net receipts, exclusive of penalties and interest, attributable to the cigarette tax.~~

~~C. A distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to the cancer research and treatment center at the university of New Mexico health sciences center in an amount equal to one and thirty-five hundredths percent of the net receipts, exclusive of penalties and interest, attributable to the cigarette tax.~~

~~D. A distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to the New Mexico finance authority in an amount equal to two and two hundredths percent of the net receipts, exclusive of penalties and interest, attributable to the cigarette tax.~~

~~E. A distribution pursuant to Section 7-1-6.1 NMSA 1978 in an amount equal to fourteen and thirty-seven hundredths percent of the net receipts, exclusive of penalties and interest, attributable to the cigarette tax, shall be made, on behalf of and for the benefit of the university of New Mexico health sciences center, to the New Mexico finance authority.~~

~~F. A distribution pursuant to Section 7-1-6.1 NMSA 1978 in an amount equal to six and five hundredths percent of the net receipts, exclusive of penalties and interest, attributable to the cigarette tax shall be made to the New Mexico finance authority for land acquisition and the planning, designing, construction and equipping of department of health facilities or improvements to such facilities.~~

~~G. A distribution pursuant to Section 7-1-6.1 NMSA 1978 in an amount equal to fifteen and seventy-nine hundredths percent of the net receipts, exclusive of penalties and interest, attributable to the cigarette tax shall be made to the New Mexico finance authority for deposit in the credit enhancement account created in the authority.~~

~~H. A distribution pursuant to Section 7-1-6.1 NMSA 1978 in an amount equal to one percent of the net receipts, exclusive of penalties and interest, attributable~~

to the cigarette tax shall be made, on behalf of and for the benefit of the rural county cancer treatment fund, to the New Mexico finance authority."] *LINE-ITEM VETO*

Chapter 5 Section 15 Laws 2010 (2nd S.S.)

[Section 15. Section 7-12-2 NMSA 1978 (being Laws 1971, Chapter 77, Section 2, as amended) is repealed and a new Section 7-12-2 NMSA 1978 is enacted to read:

~~"7-12-2. DEFINITIONS.--As used in the Cigarette Tax Act:~~

~~A. "cigarette" means:~~

~~(1) any roll of tobacco or any substitute for tobacco wrapped in paper or in any substance not containing tobacco;~~

~~(2) any roll of tobacco that is wrapped in any substance containing tobacco, other than one hundred percent natural leaf tobacco, which, because of its appearance, the type of tobacco used in the filler, its packaging and labeling, or its marketing and advertising, is likely to be offered to, or purchased by, consumers as a cigarette, as described in Paragraph (1) of this subsection;~~

~~(3) bidis and kreteks; or~~

~~(4) any other roll of tobacco that is defined as a "cigarette" in Subsection D of Section 6-4-12 NMSA 1978;~~

~~B. "contraband cigarettes" means cigarette packages with counterfeit stamps, counterfeit cigarettes, cigarettes that have false or fraudulent manufacturing labels, cigarettes not sold in packages of five, ten, twenty or twenty-five, cigarette packages without the tax or tax-exempt stamps required by the Cigarette Tax Act and cigarettes produced by a manufacturer or in a brand family not included in the directory;~~

~~C. "department" means the taxation and revenue department, the secretary of taxation and revenue or any employee of the department exercising authority lawfully delegated to that employee;~~

~~D. "directory" means a listing of tobacco product manufacturers and brand families that is developed, maintained and published by the attorney general under the Tobacco Escrow Fund Act;~~

~~E. "distributor" means a person licensed pursuant to the Cigarette Tax Act to sell or distribute cigarettes in New Mexico. "Distributor" does not include:~~

~~(1) a retailer;~~

~~(2) a cigarette manufacturer, export warehouse proprietor or importer with a valid permit pursuant to 26 U.S.C. 5713, if that person sells cigarettes in New Mexico only to distributors that hold valid licenses under the laws of a state or sells to an export warehouse proprietor or to another manufacturer; or~~

~~(3) a common or contract carrier transporting cigarettes pursuant to a bill of lading or freight bill, or a person who ships cigarettes through the state by a common or contract carrier pursuant to a bill of lading or freight bill;~~

~~F. "license" means a license granted pursuant to the Cigarette Tax Act that authorizes the holder to conduct business as a manufacturer or distributor of cigarettes;~~

~~G. "manufacturer" means a person that manufactures, fabricates, assembles, processes or labels a cigarette or that imports from outside the United States, directly or indirectly, a finished cigarette for sale or distribution in the United States;~~

~~H. "master settlement agreement" means the settlement agreement and related documents entered into on November 23, 1998 by the state and leading United States tobacco product manufacturers;~~

~~I. "package" means an individual pack, box or other container; "package" does not include a container that itself contains other containers, such as a carton of cigarettes;~~

~~J. "retailer" means a person, whether located within or outside of New Mexico, that sells cigarettes at retail to a consumer in New Mexico and the sale is not for resale;~~

~~K. "stamp" means an adhesive label issued and authorized by the department to be affixed to cigarette packages for excise tax purposes and upon which is printed a serial number and the words "State of New Mexico" and "tobacco tax";~~

~~L. "tax stamp" means a stamp that has a specific cigarette tax value pursuant to the Cigarette Tax Act; and~~

~~M. "tax-exempt stamp" means a stamp that indicates a tax-exempt status pursuant to the Cigarette Tax Act."] *LINE-ITEM VETO*~~

Chapter 5 Section 16 Laws 2010 (2nd S.S.)

~~[Section 16. Section 7-12-3 NMSA 1978 (being Laws 1971, Chapter 77, Section 3, as amended) is repealed a new Section 7-12-3 NMSA 1978 is enacted to read:~~

~~"7-12-3. EXCISE TAX ON CIGARETTES--RATES.--~~

~~A. For the privilege of selling, giving or consuming cigarettes in New Mexico, there is levied an excise tax at the following rates for each cigarette sold, given or consumed in this state:~~

~~(1) four and fifty-five hundredths cents (\$.0455) if the cigarettes are packaged in lots of twenty or twenty-five;~~

~~(2) nine and ten-hundredths cents (\$.091) if the cigarettes are packaged in lots of ten; or~~

~~(3) eighteen and twenty-hundredths cents (\$.182) if the cigarettes are packaged in lots of five.~~

~~B. The tax imposed by this section shall be referred to as the "cigarette tax"."]~~*LINE-ITEM VETO*

Chapter 5 Section 17 Laws 2010 (2nd S.S.)

~~[Section 17. Section 7-12-3.1 NMSA 1978 (being Laws 1986, Chapter 13, Section 3, as amended) is repealed and a new Section 7-12-3.1 NMSA 1978 is enacted to read:~~

~~"7-12-3.1. CIGARETTE INVENTORY TAX--IMPOSITION OF TAX--DATE PAYMENT OF TAX DUE.--~~

~~A. A tax that may be identified as the "cigarette inventory tax" is imposed on a distributor that has in its possession tax-exempt stamps or tax stamps, whether or not affixed to packages of cigarettes, on the date on which an increase in the cigarette tax imposed by Section 7-12-3 NMSA 1978 is effective.~~

~~B. The cigarette inventory tax due from the distributor is calculated by multiplying the number of tax stamps in the distributor's possession by the increase in the excise tax. Tax-exempt stamps are not included in the calculation to determine the amount of cigarette inventory tax to be paid by a distributor.~~

~~C. The cigarette inventory tax is to be paid to the department on or before the twenty-fifth day of the month following the month in which the increase in the cigarette tax is effective."]~~ *LINE-ITEM VETO*

Chapter 5 Section 18 Laws 2010 (2nd S.S.)

~~[Section 18. Section 7-12-3.2 NMSA 1978 (being Laws 1986, Chapter 13, Section 4, as amended) is repealed and a new Section 7-12-3.2 NMSA 1978 is enacted to read:~~

~~"7-12-3.2. CIGARETTE INVENTORIES.--~~

~~A. On any date on which the cigarette tax imposed by Section 7-12-3 NMSA 1978 is increased, each distributor shall take inventory of tax-exempt stamps and tax stamps on hand, including stamps affixed to packages of cigarettes.~~

~~B. Each distributor shall report the total number of tax-exempt stamps and tax stamps in inventory on the date on which the cigarette tax increases and pay the cigarette inventory tax due."] LINE-ITEM VETO~~

Chapter 5 Section 19 Laws 2010 (2nd S.S.)

~~[Section 19. Section 7-12-4 NMSA 1978 (being Laws 1971, Chapter 77, Section 4, as amended) is repealed and a new Section 7-12-4 NMSA 1978 is enacted to read:~~

~~"7-12-4. EXEMPTION.--~~

~~A. Exempted from the cigarette tax are sales of cigarettes:~~

~~(1) to the United States or any agency or instrumentality thereof or the state of New Mexico or any political subdivision thereof;~~

~~(2) to the governing body, or to any enrolled tribal member licensed by the governing body, of any Indian nation, tribe or pueblo for use or sale on that reservation or pueblo grant; and~~

~~(3) sales that the state is prohibited from taxing by a provision of the United States constitution or the constitution of the state of New Mexico.~~

~~B. As used in this section, the term "agency or instrumentality" does not include persons who are agents or instrumentalities of the United States for a particular purpose or only when acting in a particular capacity or corporate agencies or instrumentalities."] LINE-ITEM VETO~~

Chapter 5 Section 20 Laws 2010 (2nd S.S.)

~~[Section 20. Section 7-12-5 NMSA 1978 (being Laws 1971, Chapter 77, Section 5, as amended) is repealed and a new Section 7-12-5 NMSA 1978 is enacted to read:~~

~~"7-12-5. AFFIXING STAMPS.--~~

~~A. Except as provided in Section 7-12-6 NMSA 1978, all cigarettes shall be placed in packages or containers to which a stamp shall be affixed. Only a distributor with a valid license issued pursuant to the Cigarette Tax Act may purchase or obtain unaffixed tax-exempt stamps or tax stamps. A distributor shall not sell or provide unaffixed stamps to another distributor, manufacturer, export warehouse proprietor or importer with a valid permit pursuant to 26 U.S.C. 5713 or any other person.~~

~~B. Stamps shall be affixed by the distributor to each package of cigarettes to be sold or distributed in New Mexico within thirty days of receipt of those packages.~~

~~C. A distributor shall apply stamps only to packages of cigarettes that the distributor has received directly from another distributor or from a manufacturer or importer of cigarettes that possesses a valid and current permit pursuant to 26 U.S.C. 5713.~~

~~D. A distributor shall not affix a stamp to a package of cigarettes of a manufacturer or a brand family that is not included in the directory or sell, offer or possess for sale cigarettes of a manufacturer or brand family that is not included in the directory.~~

~~E. Packages shall contain cigarettes in lots of five, ten, twenty or twenty-five.~~

~~F. Unless the requirements of this section are waived pursuant to Section 7-12-6 NMSA 1978, a tax stamp shall be affixed to each package of cigarettes subject to the cigarette tax and a tax-exempt stamp shall be affixed to each package of cigarettes not subject to the cigarette tax pursuant to Section 7-12-4 NMSA 1978.~~

~~G. A tax-exempt stamp is not an excise tax stamp for purposes of determining units sold pursuant to Section 6-4-12 NMSA 1978.~~

~~H. Stamps shall be affixed inside the boundaries of New Mexico, unless the department has granted a license allowing a person to affix stamps outside New Mexico."] *LINE-ITEM VETO*~~

Chapter 5 Section 21 Laws 2010 (2nd S.S.)

~~[Section 21. Section 7-12-7 NMSA 1978 (being Laws 1971, Chapter 77, Section 7, as amended) is repealed and a new Section 7-12-7 NMSA 1978 is enacted to read:~~

~~"7-12-7. SALE OF STAMPS--PRICES.--~~

~~A. Only the department shall sell stamps. Stamps may be sold by the department only to a distributor.~~

~~B. Stamps shall display a serial number. Stamps bearing the same serial number shall not be sold to more than one distributor. The department shall keep records of the serial numbers of the stamps provided to each distributor.~~

~~C. A stamp shall be affixed to a package of cigarettes in such a manner as to clearly display the serial number at the point of sale.~~

~~D. Tax stamps shall be sold at their face value with the following discounts:~~

~~(1) one percent less than the face value of the first thirty thousand dollars (\$30,000) of stamps purchased in one calendar month;~~

~~(2) eight-tenths percent less than the face value of the second thirty thousand dollars (\$30,000) of stamps purchased in one calendar month; and~~

~~(3) one-half percent less than the face value of stamps purchased in excess of sixty thousand dollars (\$60,000) in one calendar month.~~

~~E. If the face value of tax stamps sold in a single sale is less than one thousand dollars (\$1,000), the discount provided for in this section shall not be allowed.~~

~~F. Payment for tax stamps shall be made on or before the twenty-fifth day of the month following the month in which the sale of stamps by the department is made.~~

~~G. Tax-exempt stamps shall be provided only to distributors and shall be free of charge; provided that the distributor is in full compliance with the reporting requirements of the Cigarette Tax Act and rules adopted pursuant to that act."] *LINE-ITEM VETO*~~

Chapter 5 Section 22 Laws 2010 (2nd S.S.)

~~[Section 22. Section 7-12-9.2 NMSA 1978 (being Laws 2006, Chapter 91, Section 8, as amended) is repealed and a new Section 7-12-9.2 NMSA 1978 is enacted to read:~~

~~"7-12-9.2. DISTRIBUTOR'S LICENSE.--~~

~~A. A person shall not distribute stamped packages of cigarettes for resale or sell stamped packages of cigarettes at wholesale without first obtaining a distributor's license from the department.~~

~~B. A person licensed to distribute cigarettes is authorized to:~~

~~(1) receive unstamped packages of cigarettes from a manufacturer or a distributor;~~

~~(2) purchase tax stamps and receive tax-exempt stamps from the department;~~

~~(3) affix tax stamps or tax-exempt stamps to unstamped packages of cigarettes;~~

~~(4) sell stamped packages of cigarettes to a retailer for resale or to a distributor; and~~

~~(5) sell unstamped packages of cigarettes to a person licensed to distribute cigarettes outside of New Mexico or to a distributor."] LINE-ITEM VETO~~

Chapter 5 Section 23 Laws 2010 (2nd S.S.)

~~[Section 23. Section 7-12-17 NMSA 1978 (being Laws 1971, Chapter 77, Section 14, as amended) is repealed and a new Section 7-12-17 NMSA 1978 is enacted to read:~~

~~"7-12-17. REPORTING REQUIREMENTS--PENALTY.--~~

~~A. Each person who sells in New Mexico cigarettes manufactured by that person or who receives on consignment or buys cigarettes either directly from the manufacturer or from any out-of-state person for resale in New Mexico shall report to the department by the twenty-fifth day of each month that person's sales of cigarettes during the preceding month in each municipality and within that portion of each county outside of the municipalities located in that county. The department shall then advise the state treasurer of the proportion of the total sales of cigarettes for the month within each municipality and within that portion of each county outside of municipalities. The reports of such persons shall, upon receipt by the department, become public records.~~

~~B. Any person who sells in New Mexico cigarettes manufactured by that person or who receives on consignment or buys cigarettes for resale in New Mexico who willfully fails to render accurately the reports required by this section and any municipal or county officer who approves any expenditure or expends funds distributed from the county and municipality recreational fund for any purposes other than permitted by Section 7-12-15 NMSA 1978 is guilty of a petty misdemeanor.~~

~~C. Any tobacco product manufacturer, stamping agent or importer of cigarettes, or any officer, employee or agent of any such entity, who knowingly makes a materially false statement in any record required to be kept by the Cigarette Tax Act, or in any report or return required to be filed with the department by the Cigarette Tax Act is guilty of a fourth degree felony."] LINE-ITEM VETO~~

Chapter 5 Section 24 Laws 2010 (2nd S.S.)

~~[Section 24. Section 7-12-18 NMSA 1978 (being Laws 2006, Chapter 91, Section 14, as amended) is repealed and a new Section 7-12-18 NMSA 1978 is enacted to read:~~

~~"7-12-18. REPORTS.--~~

~~A. A distributor shall submit periodic reports to the department, in the manner and on the form prescribed by the department. A distributor shall submit a separate report for each of its facilities. The information in the report shall be itemized and shall clearly disclose cigarette brands, quantities and the type of stamp applied to the packages of cigarettes. A report shall include:~~

~~(1) an inventory of stamped and unstamped packages of cigarettes held for sale or distribution within New Mexico at the beginning of the reporting period;~~

~~(2) the quantity of stamped packages of cigarettes held for sale or distribution within New Mexico that were received from another person during the reporting period and the name and address of each person from whom each quantity was received;~~

~~(3) the quantity of New Mexico stamped packages of cigarettes that were distributed or shipped to another distributor or retailer within New Mexico during the reporting period and the name and address of each person to whom each quantity was distributed or shipped;~~

~~(4) the quantity of unstamped packages of cigarettes that were distributed or shipped to another distributor within New Mexico during the reporting period and the name and address of each person to whom each quantity was distributed or shipped;~~

~~(5) the quantity of New Mexico stamped packages of cigarettes that were distributed or shipped to another facility of the same distributor within New Mexico during the reporting period and the address of that facility;~~

~~(6) the quantity of stamped cigarette packages that were distributed or shipped within New Mexico to an Indian nation, tribe or pueblo or to a person located on the land of an Indian nation, tribe or pueblo or to instrumentalities of the federal government during the reporting period and the name and address of each person, entity or instrumentality to whom each quantity was distributed or shipped;~~

~~(7) an inventory of stamped and unstamped packages of cigarettes held for sale or distribution within New Mexico at the end of the reporting period;~~

~~(8) an inventory of stamped and unstamped packages of cigarettes for sale or distribution outside of New Mexico at the beginning of the reporting period;~~

~~(9) the quantity of packages of cigarettes held for sale or distribution outside of New Mexico that were received from another person during the reporting period and the name and address of each person from whom each quantity was received;~~

~~(10) the quantity of packages of cigarettes that were distributed or shipped outside New Mexico during the reporting period;~~

~~(11) an inventory of packages of cigarettes held for sale or distribution outside of New Mexico at the end of the reporting period;~~

~~(12) the number of each type of stamp on hand at the beginning of the reporting period;~~

~~(13) the number of each type of stamp purchased or received during the reporting period;~~

~~(14) the number of each type of stamp applied during the reporting period; and~~

~~(15) the number of each type of stamp on hand at the end of the reporting period.~~

~~B. A manufacturer shall submit periodic reports in the manner and on the form prescribed by the department. The information in the report shall be itemized to clearly disclose cigarette brands and quantities. The reports shall be provided separately with respect to each of the facilities operated by the manufacturer. A report shall contain the quantity of packages of cigarettes that were distributed or shipped:~~

~~(1) to a manufacturer, distributor or retailer within New Mexico during the reporting period and the name and address of each person to whom each quantity was distributed or shipped;~~

~~(2) to another facility within New Mexico of the same manufacturer during the reporting period and the address of the facility; and~~

~~(3) within New Mexico to an Indian nation, tribe or pueblo or to a person located on the land of an Indian nation, tribe or pueblo or to instrumentalities of the federal government during the reporting period and the name and address of each person, entity or instrumentality to whom each quantity was distributed or shipped.~~

~~C. The department may require additional information to be submitted. The department shall establish the reporting period, which shall be no longer than three calendar months and no shorter than one calendar month."] *LINE-ITEM VETO*~~

Chapter 5 Section 25 Laws 2010 (2nd S.S.)

~~[Section 25. Section 7-12-19 NMSA 1978 (being Laws 2006, Chapter 91, Section 15) is repealed and a new Section 7-12-19 NMSA 1978 is enacted to read:~~

~~"7-12-19. INTERGOVERNMENTAL AGREEMENTS--NO WAIVER OF SOVEREIGN IMMUNITY.--~~

~~A. The department may enter into an intergovernmental agreement with a tribe to:~~

~~(1) enforce, administer or otherwise implement the provisions of the Cigarette Tax Act;~~

~~(2) increase the ability of the department to account for packages of cigarettes imported into, sold or transferred within and exported from the state; and~~

~~(3) provide for cooperative tax collection or tax administration of the cigarette tax.~~

~~B. Nothing in the Cigarette Tax Act shall be construed to waive or restrict the sovereign immunity of a tribe or the state.~~

~~C. As used in this section, "tribe" means an Indian nation, tribe or pueblo located wholly or partially in New Mexico.]" LINE-ITEM VETO~~

Chapter 5 Section 26 Laws 2010 (2nd S.S.)

~~[Section 26. DELAYED REPEAL.--Section 7 of this act is repealed effective July 1, 2014.] LINE-ITEM VETO~~

Chapter 5 Section 27 Laws 2010 (2nd S.S.)

Section 27. APPLICABILITY.--

~~[A.] The distributions pursuant to the provisions of Section 1 of this act apply to receipts from the cigarette tax that are attributable to sales that occur on or after July 1, 2010. LINE-ITEM VETO~~

~~[B. The distributions pursuant to the provisions of Section 14 of this act apply to receipts from the cigarette tax that are attributable to sales that occur on or after July 1, 2014.] LINE-ITEM VETO~~

Chapter 5 Section 28 Laws 2010 (2nd S.S.)

Section 28. EFFECTIVE DATE.--

~~[A.] The effective date of the provisions of Sections 1 through 13 of this act is July 1, 2010. LINE-ITEM VETO~~

~~[B. The effective date of the provisions of Sections 14 through 25 of this act is July 1, 2014.] LINE-ITEM VETO~~

HTRC/House Bill 3, aa, w/coc, partial veto

Approved March 24, 2010

Laws 2010 (2nd SS) CHAPTER 6

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:

Chapter 6 Section 1 Laws 2010 (2nd S.S.)

Section 1. **SHORT TITLE.**--This act may be cited as the "General Appropriation Act of 2010".

Chapter 6 Section 2 Laws 2010 (2nd S.S.)

Section 2. **DEFINITIONS.**--As used in the General Appropriation Act of 2010:

A. "agency" means an office, department, agency, institution, board, bureau, commission, court, district attorney, council or committee of state government;

B. "efficiency" means the measure of the degree to which services are efficient and productive and is often expressed in terms of dollars or time per unit of output;

C. "explanatory" means information that can help users to understand reported performance measures and to evaluate the significance of underlying factors that may have affected the reported information;

D. "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;

E. "full-time equivalent" or "FTE" means one or more authorized positions that alone or together receives or receive compensation for not more than two thousand eighty-eight hours worked in fiscal year 2011. The calculation of hours worked includes

compensated absences but does not include overtime, compensatory time or sick leave paid pursuant to Section 10-7-10 NMSA 1978;

F. "general fund" means that fund created by Section 6-4-2 NMSA 1978 and includes federal Mineral Lands Leasing Act receipts and those payments made in accordance with the federal block grant and the federal Workforce Investment Act, but excludes the general fund operating reserve, the appropriation contingency fund, the tax stabilization reserve and any other fund, reserve or account from which general appropriations are restricted by law;

G. "interagency transfers" means revenue, other than internal service funds, legally transferred from one agency to another;

H. "internal service funds" means:

(1) revenue transferred to an agency for the financing of goods or services to another agency on a cost-reimbursement basis; and

(2) balances in agency internal service funds accounts appropriated by the General Appropriation Act of 2010;

I. "other state funds" means:

(1) nonreverting balances in agency accounts, other than in internal service funds accounts, appropriated by the General Appropriation Act of 2010;

(2) all revenue available to agencies from sources other than the general fund, internal service funds, interagency transfers and federal funds; and

(3) all revenue, the use of which is restricted by statute or agreement;

J. "outcome" means the measure of the actual impact or public benefit of a program;

K. "output" means the measure of the volume of work completed or the level of actual services or products delivered by a program;

L. "performance measure" means a quantitative or qualitative indicator used to assess a program;

M. "quality" means the measure of the quality of a good or service produced and is often an indicator of the timeliness, reliability or safety of services or products produced by a program;

N. "revenue" means all money received by an agency from sources external to that agency, net of refunds and other correcting transactions, other than from issue of debt, liquidation of investments or as agent or trustee for other governmental entities or private persons; and

O. "target" means the expected level of performance of a program's performance measures.

Chapter 6 Section 3 Laws 2010 (2nd S.S.)

Section 3. GENERAL PROVISIONS.--

A. Amounts set out under column headings are expressed in thousands of dollars.

B. Amounts set out under column headings are appropriated from the source indicated by the column heading. All amounts set out under the column heading "Internal Service Funds/Interagency Transfers" are intergovernmental transfers and do not represent a portion of total state government appropriations. All information designated as "Total" or "Subtotal" is provided for information and amounts are not appropriations.

C. Amounts set out in Section 4 of the General Appropriation Act of 2010, or so much as may be necessary, are appropriated from the indicated source for expenditure in fiscal year 2011 for the objects expressed.

D. Unexpended balances in agency accounts remaining at the end of fiscal year 2010 shall revert to the general fund by October 1, 2010, unless otherwise indicated in the General Appropriation Act of 2010 or otherwise provided by law.

E. Unexpended balances in agency accounts remaining at the end of fiscal year 2011 shall revert to the general fund by October 1, 2011, unless otherwise indicated in the General Appropriation Act of 2010 or otherwise provided by law.

F. The state budget division shall monitor revenue received by agencies from sources other than the general fund and shall reduce the operating budget of any agency whose revenue from such sources is not meeting projections. The state budget division shall notify the legislative finance committee of any operating budget reduced pursuant to this subsection.

G. Except as otherwise specifically stated in the General Appropriation Act of 2010, appropriations are made in that act for the expenditures of agencies and for other purposes as required by existing law for fiscal year 2011. If any other act of the second session of the forty-ninth legislature changes existing law with regard to the name or responsibilities of an agency or the name or purpose of a fund or distribution, the appropriation made in the General Appropriation Act of 2010 shall be transferred

from the agency, fund or distribution to which an appropriation has been made as required by existing law to the appropriate agency, fund or distribution provided by the new law.

H. Pursuant to Sections 6-3-23 through 6-3-25 NMSA 1978, agencies whose revenue from state board of finance loans, from revenue appropriated by other acts of the legislature, or from gifts, grants, donations, bequests, insurance settlements, refunds or payments into revolving funds exceeds specifically appropriated amounts may request budget increases from the state budget division. If approved by the state budget division, such money is appropriated.

~~[I. Pursuant to Section 6-4-2 NMSA 1978, federal funds received during fiscal year 2011 and not specifically appropriated shall be subject to future appropriation by the legislature provided, however, that an agency may request a budget increase during fiscal year 2011 from the state budget division if the agency submits documentation to the state budget division and to the legislative finance committee showing that all of the following five requirements have been met:~~

~~(1) the requested budget increase is for federal funds the amount of which could not have been reasonably anticipated or known during the second session of the forty-ninth legislature and, therefore, could not have been requested by the agency or appropriated by the legislature;~~

~~(2) the federal law authorizing the disbursement of the federal funds to the state requires the funds to be expended for specific programs or specific governmental functions without leaving a policy choice to the state of how the funds are to be expended;~~

~~(3) the state has no discretion as to the programs or governmental functions for which the federal funds will be expended;~~

~~(4) the executive branch has had no input into the selection of the programs or governmental functions for which the federal funds are required to be expended; and~~

~~(5) due to the emergency nature of the purpose of the federal funds or the likelihood that the federal funds will be unavailable in the future, the funds need to be budgeted and expended before the first session of the fiftieth legislature.~~

J. For fiscal year 2011, the number of permanent and term full-time-equivalent positions specified for each agency shows the maximum number of employees intended by the legislature for that agency, unless another provision of the General Appropriation Act of 2010 or another act of the second session of the forty-ninth legislature provides for additional employees.] For purposes of the General Appropriation Act of 2010 and any other act of the first or second session of the forty-ninth legislature, no employee shall be deemed to have an annual salary greater than

twenty thousand dollars (\$20,000) unless the employee's full-time-equivalent base annual salary is greater than that amount or unless the employee's base hourly wage is greater than nine dollars fifty-seven and nine-tenths cents (\$9.579). *LINE-ITEM VETO*

K. Except for gasoline credit cards used solely for operation of official vehicles, telephone credit cards used solely for official business and procurement cards used as authorized by Section 6-5-9.1 NMSA 1978, none of the appropriations contained in the General Appropriation Act of 2010 may be expended for payment of agency-issued credit card invoices.

L. To prevent unnecessary spending, expenditures from the General Appropriation Act of 2010 for gasoline for state-owned vehicles at public gasoline service stations shall be made only for self-service gasoline provided that a state agency head may provide exceptions from the requirement to accommodate disabled persons or for other reasons the public interest may require.

M. For the purpose of administering the General Appropriation Act of 2010 and approving operating budgets, the state of New Mexico shall follow the modified accrual basis of accounting for governmental funds in accordance with the manual of model accounting practices issued by the department of finance and administration.

Chapter 6 Section 4 Laws 2010 (2nd S.S.)

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
------	--------------	-------------------	-------------------------------------	---------------	--------------

Section 4. **FISCAL YEAR 2011 APPROPRIATIONS.--**

A. LEGISLATIVE

LEGISLATIVE COUNCIL SERVICE:

(1) Legislative building services:

Appropriations:

(a)	Personal services and				
	employee benefits	2,860.5			2,860.5
(b)	Contractual services		100.6		100.6
(c)	Other	1,126.9		1,126.9	

Authorized FTE: 53.00 Permanent; 4.00 Temporary

(2) Energy council dues:

Appropriations:	32.0	32.0	
Subtotal		4,120.0	
TOTAL LEGISLATIVE	4,120.0		4,120.0

B. JUDICIAL

SUPREME COURT LAW LIBRARY:

The purpose of the supreme court law library program is to provide and produce legal information for the judicial, legislative and executive branches of state government, the legal community and the public at large so they may have equal access to the law, effectively address the courts, make laws and write regulations, better understand the legal system and conduct their affairs in accordance with the principles of law.

Appropriations:

(a) Personal services and employee benefits	687.4	687.4	
(b) Contractual services	381.0		381.0
(c) Other	553.6 1.8	555.4	

Authorized FTE: 8.00 Permanent

Performance measures:

(a) Output: Percent of updated titles	80%
(b) Output: Number of research requests	7,000

Subtotal	1,623.8
----------	---------

NEW MEXICO COMPILATION COMMISSION:

The purpose of the New Mexico compilation commission program is to publish in print and electronic format, distribute and sell (1) laws enacted by the legislature, (2) opinions of the supreme court and court of appeals, (3) rules approved by the supreme court, (4) attorney general opinions and (5) other state and federal rules and opinions. The commission ensures the accuracy and reliability of its publications.

Appropriations:

(a) Personal services and			
---------------------------	--	--	--

	employee benefits	159.5	334.8		494.3
(b)	Contractual services		943.0	400.0	1,343.0
(c)	Other	149.2		149.2	

Authorized FTE: 5.00 Permanent; 1.00 Term

Performance measures:

(a) Output: Amount of revenue collected, in thousands \$1,300

Subtotal 1,986.5

JUDICIAL STANDARDS COMMISSION:

The purpose of the judicial standards commission program is to provide a public review process addressing complaints involving judicial misconduct in order to preserve the integrity and impartiality of the judicial process.

Appropriations:

(a)	Personal services and				
	employee benefits	609.3			609.3
(b)	Contractual services		39.0		39.0
(c)	Other	112.2	25.0		137.2

Authorized FTE: 7.00 Permanent; 1.00 Temporary

Any unexpended balances remaining at the end of fiscal year 2011 in other state funds from funds received from trial cost reimbursements from respondents shall not revert to the general fund.

Performance measures:

(a) Efficiency: Upon knowledge of cause for emergency interim suspension,

time for commission to file petition for temporary

suspension, in days 2

(b) Output: Time for release of annual report to the public, from the

end of the fiscal year, in months 2

(c) Efficiency: For cases in which formal charges are filed, average time
for formal hearings to be held, in meeting cycles 3

Subtotal 785.5

COURT OF APPEALS:

The purpose of the court of appeals program is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status in order to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a) Personal services and
employee benefits 5,187.8 5,187.8
(b) Contractual services 63.0 63.0
(c) Other 444.4 1.0 445.4

Authorized FTE: 62.50 Permanent

Performance measures:

(a) Explanatory: Cases disposed as a percent of cases filed 95%

Subtotal 5,696.2

SUPREME COURT:

The purpose of the supreme court program is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status in order to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a) Personal services and
employee benefits 2,813.1 2,813.1
(b) Contractual services 17.9 17.9
(c) Other 138.4 138.4

Authorized FTE: 34.00 Permanent

Performance measures:

(a) Explanatory: Cases disposed as a percent of cases filed 95%

Subtotal 2,969.4

ADMINISTRATIVE OFFICE OF THE COURTS:

(1) Administrative support:

The purpose of the administrative support program is to provide administrative support to the chief justice, all judicial branch units and the administrative office of the courts so that they can effectively administer the New Mexico court system.

Appropriations:

(a) Personal services and
employee benefits 3,021.7 145.8 82.4 3,249.9

(b) Contractual services 187.5 100.0 241.2 712.1 1,240.8

(c) Other 4,391.7 1,325.0 233.0 171.8 6,121.5

Authorized FTE: 37.80 Permanent; 4.00 Term

Performance measures:

(a) Outcome: Percent of jury summons successfully executed 92%

(b) Output: Average cost per juror \$50

(2) Statewide judiciary automation:

The purpose of the statewide judiciary automation program is to provide development, enhancement, maintenance and support for core court automation and usage skills for appellate, district, magistrate and municipal courts and ancillary judicial agencies.

Appropriations:

(a) Personal services and
employee benefits 2,378.7 1,986.4 4,365.1

(b) Contractual services 887.1 887.1

(c) Other 238.6 2,405.5 2,644.1

Authorized FTE: 41.50 Permanent; 9.00 Term

Performance measures:

(a) Quality: Percent of accurate driving-while-intoxicated court reports 98%

(b) Quality: Average time to respond to automation calls for assistance,
in minutes 25

(3) Magistrate court:

The purpose of the magistrate court and warrant enforcement program is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status in order to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a) Personal services and employee benefits	16,447.7	2,418.7	18,866.4
(b) Contractual services	56.3	403.0	459.3
(c) Other	6,907.2	793.3 800.0	8,500.5

Authorized FTE: 284.50 Permanent; 56.50 Term

Performance measures:

(a) Outcome: Bench warrant revenue collected annually, in millions \$2.4

(b) Explanatory: Percent of cases disposed as a percent of cases filed 95%

(c) Efficiency: Percent of magistrate courts financial reports submitted to
fiscal services division and reconciled on a monthly basis 100%

(4) Special court services:

The purpose of the special court services program is to provide court advocates, legal counsel and safe exchanges for children and families, to provide judges pro tem, and to adjudicate water rights disputes so that the constitutional rights and safety of citizens, especially children and families, are protected.

Appropriations:

(a)	Personal services and employee benefits	220.8	220.8	
(b)	Contractual services	5,672.1	380.0	6,052.1
(c)	Other	21.0	21.0	
(d)	Other financing uses	1,402.7	1,560.0	2,962.7

Authorized FTE: 3.00 Permanent

~~[Notwithstanding the provisions of Section 11-6A-3 NMSA 1978 or other substantive law, the internal service funds/interagency transfers appropriation to the special court services program of administrative office of the courts in the other financing uses category includes one million five hundred thousand dollars (\$1,500,000) from the local DWI grant fund for drug courts. Any unexpended balances from the local DWI grant fund appropriation remaining at the end of fiscal year 2011 shall revert to the local DWI grant fund.]~~
LINE-ITEM VETO

Performance measures:

- (a) Output: Number of required events attended by attorneys in abuse
and neglect cases
- (b) Output: Number of cases to which court-appointed special advocates
volunteers are assigned
- (c) Output: Number of monthly supervised child visitations and
exchanges conducted

Subtotal 55,591.3

SUPREME COURT BUILDING COMMISSION:

The purpose of the supreme court building commission program is to retain custody and control of the supreme court building and its grounds and to provide care, preservation, repair, cleaning, heating and lighting and to hire necessary employees for these purposes.

Appropriations:

(a)	Personal services and employee benefits	662.8	662.8	
(b)	Contractual services	9.8	9.8	

(c) Other 138.0 138.0

Authorized FTE: 15.80 Permanent

Subtotal 810.6

DISTRICT COURTS:

(1) First judicial district:

The purpose of the first judicial district court program, statutorily created in Santa Fe, Rio Arriba and Los Alamos counties, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status in order to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a) Personal services and

employee benefits 5,595.0 255.7 319.4 6,170.1

(b) Contractual services 579.7 55.0 87.2 721.9

(c) Other 112.6 183.5 26.1 322.2

Authorized FTE: 86.00 Permanent; 8.80 Term

Performance measures:

(a) Explanatory: Cases disposed as a percent of cases filed 100%

(b) Quality: Recidivism of adult drug-court graduates 9%

(c) Quality: Recidivism of juvenile drug-court graduates 15%

(d) Output: Number of adult drug-court graduates 19

(e) Output: Number of juvenile drug-court graduates 17

(f) Output: Number of days to process juror payment vouchers 5

(g) Explanatory: Graduation rate, juvenile drug court 50%

(h) Explanatory: Graduation rate, adult drug court 45%

(2) Second judicial district:

The purpose of the second judicial district court program, statutorily created in Bernalillo county, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status in order to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a)	Personal services and				
	employee benefits	20,478.9	1,284.7	817.1	22,580.7
(b)	Contractual services	159.9	75.0		234.9
(c)	Other	468.0	255.0	79.1	802.1

Authorized FTE: 331.50 Permanent; 28.50 Term

Performance measures:

- (a) Explanatory: Cases disposed as a percent of cases filed 95%
- (b) Quality: Recidivism of adult drug-court graduates 8%
- (c) Quality: Recidivism of juvenile drug-court graduates 10%
- (d) Output: Number of adult drug-court graduates 130
- (e) Output: Number of juvenile drug-court graduates 20
- (f) Output: Number of days to process juror payment vouchers 14
- (g) Explanatory: Graduation rate, adult drug court 55%
- (h) Explanatory: Graduation rate, juvenile drug court 70%

(3) Third judicial district:

The purpose of the third judicial district court program, statutorily created in Dona Ana county, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status in order to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a)	Personal services and				
	employee benefits	5,374.0	53.0	491.5	5,918.5

- (b) Contractual services 661.1 67.0 98.1 826.2
- (c) Other 209.8 55.0 67.4 332.2

Authorized FTE: 88.30 Permanent; 6.50 Term

Performance measures:

- (a) Explanatory: Cases disposed as a percent of cases filed 90%
- (b) Quality: Recidivism of adult drug-court graduates 10%
- (c) Output: Number of adult drug-court graduates 30
- (d) Output: Number of juvenile drug-court graduates 20
- (e) Explanatory: Graduation rate, adult drug court 65%
- (f) Explanatory: Graduation rate, juvenile drug court 70%

(4) Fourth judicial district:

The purpose of the fourth judicial district court program, statutorily created in Mora, San Miguel and Guadalupe counties, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status in order to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

- (a) Personal services and
employee benefits 1,798.2 1,798.2
- (b) Contractual services 122.0 10.0 29.1 161.1
- (c) Other 131.3 20.0 151.3

Authorized FTE: 29.50 Permanent

Performance measures:

- (a) Explanatory: Cases disposed as a percent of cases filed 95%
- (b) Output: Number of days to process juror payment vouchers 12
- (c) Explanatory: Graduation rate, juvenile drug court 70%

(d) Quality: Recidivism of juvenile drug-court graduates 15%

(e) Output: Number of juvenile drug-court graduates 9

(5) Fifth judicial district:

The purpose of the fifth judicial district court program, statutorily created in Eddy, Chaves and Lea counties, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status in order to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a) Personal services and

employee benefits	5,257.3	45.8	5,303.1
-------------------	---------	------	---------

(b) Contractual services	447.3	70.0	285.0	802.3
--------------------------	-------	------	-------	-------

(c) Other	247.8	45.0	8.2	301.0
-----------	-------	------	-----	-------

Authorized FTE: 82.00 Permanent; 1.00 Term

Performance measures:

(a) Explanatory: Cases disposed as a percent of cases filed 95%

(b) Output: Number of days to process juror payment vouchers 10

(c) Explanatory: Graduation rate, family drug court 50%

(d) Quality: Recidivism of family drug-court graduates 15%

(e) Output: Number of family drug-court graduates 9

(6) Sixth judicial district:

The purpose of the sixth judicial district court program, statutorily created in Grant, Luna and Hidalgo counties, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status in order to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a) Personal services and

employee benefits	2,297.8	2,297.8
-------------------	---------	---------

(b)	Contractual services	628.1	14.8	72.7	715.6
(c)	Other	155.7	11.0		166.7

Authorized FTE: 35.50 Permanent; .50 Term

Performance measures:

- (a) Explanatory: Cases disposed as a percent of cases filed 90%
- (b) Quality: Recidivism of juvenile drug-court graduates 13%
- (c) Output: Number of juvenile drug-court graduates 9
- (d) Output: Number of days to process juror payment vouchers 14
- (e) Explanatory: Graduation rate, juvenile drug court 90%

(7) Seventh judicial district:

The purpose of the seventh judicial district court program, statutorily created in Torrance, Socorro and Catron counties, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status in order to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a)	Personal services and				
	employee benefits	1,780.2		275.6	2,055.8
(b)	Contractual services	288.1	28.0	80.1	396.2
(c)	Other	135.6	1.0	52.5	189.1

Authorized FTE: 32.00 Permanent; 4.00 Term

Performance measures:

- (a) Explanatory: Cases disposed as a percent of cases filed 95%
- (b) Output: Number of days to process juror payment vouchers 14

(8) Eighth judicial district:

The purpose of the eighth judicial district court program, statutorily created in Taos, Colfax and Union counties, is to provide access to justice, resolve disputes justly and timely and maintain accurate records

of legal proceedings that affect rights and legal status in order to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a)	Personal services and				
	employee benefits	1,664.2			1,664.2
(b)	Contractual services	865.4	45.0	80.0	990.4
(c)	Other	101.8	26.0	127.8	

Authorized FTE: 27.50 Permanent

Performance measures:

- (a) Explanatory: Cases disposed as a percent of cases filed 90%
- (b) Quality: Recidivism of adult drug-court graduates 10%
- (c) Quality: Recidivism of juvenile drug-court graduates 5%
- (d) Output: Number of adult drug-court graduates 18
- (e) Output: Number of juvenile drug-court graduates 15
- (f) Output: Number of days to process juror payment vouchers 9
- (g) Explanatory: Graduation rate, juvenile drug court 70%
- (h) Explanatory: Graduation rate, adult drug court 75%

(9) Ninth judicial district:

The purpose of the ninth judicial district court program, statutorily created in Curry and Roosevelt counties, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status in order to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a)	Personal services and				
	employee benefits	3,054.9		417.5	3,472.4
(b)	Contractual services	40.3	16.5	85.0	141.8

(c) Other 92.0 26.5 103.4 221.9

Authorized FTE: 43.80 Permanent; 5.50 Term

Performance measures:

(a) Explanatory: Cases disposed as a percent of cases filed 90%

(b) Output: Number of days to process juror payment vouchers 14

(10) Tenth judicial district:

The purpose of the tenth judicial district court program, statutorily created in Quay, DeBaca and Harding counties, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status in order to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a) Personal services and

employee benefits 673.2 673.2

(b) Contractual services 3.6 28.2 31.8

(c) Other 84.7 84.7

Authorized FTE: 10.00 Permanent

Performance measures:

(a) Explanatory: Cases disposed as a percent of cases filed 90%

(b) Output: Number of days to process juror payment vouchers 9

(11) Eleventh judicial district:

The purpose of the eleventh judicial district court program, statutorily created in San Juan and McKinley counties, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status in order to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a) Personal services and

employee benefits 5,089.1 391.3 5,480.4

(b)	Contractual services	437.2	84.9	134.7	656.8
(c)	Other	353.4	48.1	19.2	420.7

Authorized FTE: 80.50 Permanent; 6.50 Term

Performance measures:

- (a) Explanatory: Cases disposed as a percent of cases filed 90%
- (b) Quality: Recidivism of adult drug-court graduates 10%
- (c) Quality: Recidivism of juvenile drug-court graduates 10%
- (d) Output: Number of adult drug-court graduates 40
- (e) Output: Number of juvenile drug-court graduates 16
- (f) Output: Number of days to process juror payment vouchers 14
- (g) Explanatory: Graduation rate, juvenile drug court 75%
- (h) Explanatory: Graduation rate, adult drug court 70%

(12) Twelfth judicial district:

The purpose of the twelfth judicial district court program, statutorily created in Otero and Lincoln counties, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status in order to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a)	Personal services and employee benefits	2,699.8			2,699.8
(b)	Contractual services	161.2	44.5	87.3	293.0
(c)	Other	135.3	23.0		158.3

Authorized FTE: 45.50 Permanent

Performance measures:

- (a) Explanatory: Cases disposed as a percent of cases filed 90%

- (b) Quality: Recidivism of juvenile drug-court participants 20%
- (c) Output: Number of juvenile drug-court graduates 14
- (d) Output: Number of days to process juror payment vouchers 14
- (e) Explanatory: Graduation rate, juvenile drug court 65%

(13) Thirteenth judicial district:

The purpose of the thirteenth judicial district court program, statutorily created in Valencia, Sandoval and Cibola counties, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status in order to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

- (a) Personal services and
employee benefits 5,047.2 279.0 5,326.2
- (b) Contractual services 922.9 101.9 203.6 1,228.4
- (c) Other 373.8 4.0 38.5 416.3

Authorized FTE: 78.50 Permanent; 4.00 Term

Performance measures:

- (a) Explanatory: Cases disposed as a percent of cases filed 90%
- (b) Quality: Recidivism of juvenile drug-court graduates 15%
- (c) Output: Number of juvenile drug-court graduates 20
- (d) Output: Number of days to process juror payment vouchers 14
- (e) Explanatory: Graduation rate, juvenile drug court 65%

Subtotal 76,335.1

BERNALILLO COUNTY METROPOLITAN COURT:

The purpose of the Bernalillo county metropolitan court program is to provide access to justice, resolve disputes justly and timely and to maintain accurate records of legal proceedings that affect rights and legal status in order to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a)	Personal services and				
	employee benefits	17,145.8	1,976.4	122.0	19,244.2
(b)	Contractual services	2,680.6	742.9		3,423.5
(c)	Other	2,316.8	333.7	2,650.5	
(d)	Other financing uses		15.0		15.0

Authorized FTE: 301.00 Permanent; 44.50 Term

Performance measures:

(a) Explanatory:	Cases disposed as a percent of cases filed	100%
(b) Efficiency:	Cost per client per day for adult drug-court participants	\$15
(c) Quality:	Recidivism of driving-while-intoxicated/drug-court graduates	4%
(d) Output:	Number of driving-while-intoxicated/drug-court graduates	240
(e) Explanatory:	Graduation rate of drug-court participants	70%
(f) Outcome:	Fees and fines collected as a percent of fees and fines assessed	95%

Subtotal 25,333.2

DISTRICT ATTORNEYS:

(1) First judicial district:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Santa Fe, Rio Arriba and Los Alamos counties.

Appropriations:

(a)	Personal services and				
	employee benefits	4,418.2		78.8	4,497.0

(b)	Contractual services	21.5	21.5
(c)	Other	333.2	333.2

Authorized FTE: 70.00 Permanent; 2.00 Term

Performance measures:

(a) Outcome: Percent of cases dismissed under the six-month rule <1%

(b) Output: Number of cases prosecuted 2,500

(c) Output: Number of cases referred for screening 3,000

(2) Second judicial district:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Bernalillo county.

Appropriations:

(a)	Personal services and employee benefits	16,199.0	376.3	484.0	268.9	17,328.2
(b)	Contractual services	44.0				44.0
(c)	Other	509.6	509.6			

Authorized FTE: 283.00 Permanent; 14.00 Term

Performance measures:

(a) Outcome: Percent of cases dismissed under the six-month rule <2.5%

(b) Output: Number of cases prosecuted 26,000

(c) Output: Number of cases referred for screening 30,500

(3) Third judicial district:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Dona Ana county.

Appropriations:

- (a) Personal services and
employee benefits 4,185.4 557.7 205.7 497.1 5,445.9
- (b) Contractual services 17.4 17.4
- (c) Other 278.1 278.1

Authorized FTE: 62.00 Permanent; 19.00 Term

Performance measures:

- (a) Output: Number of cases referred for screening 5,800
- (b) Output: Number of cases prosecuted 4,600
- (c) Outcome: Percent of cases dismissed under the six-month rule 0.5%

(4) Fourth judicial district:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Mora, San Miguel and Guadalupe counties.

Appropriations:

- (a) Personal services and
employee benefits 2,908.1 2,908.1
- (b) Contractual services 15.3 15.3
- (c) Other 172.8 172.8

Authorized FTE: 42.00 Permanent

Performance measures:

- (a) Output: Number of cases referred for screening 2,375
- (b) Outcome: Percent of cases dismissed under the six-month rule <1%
- (c) Output: Number of cases prosecuted 2,000

(5) Fifth judicial district:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Eddy, Lea and Chaves counties.

Appropriations:

(a)	Personal services and		
	employee benefits	4,094.7	4,094.7
(b)	Contractual services	80.7	80.7
(c)	Other	151.4	151.4

Authorized FTE: 60.00 Permanent

Performance measures:

- (a) Outcome: Percent of cases dismissed under the six-month rule <1%
- (b) Output: Number of cases prosecuted 4,200
- (c) Output: Number of cases referred for screening 4,700

(6) Sixth judicial district:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Grant, Hidalgo and Luna counties.

Appropriations:

(a)	Personal services and			
	employee benefits	2,304.9	244.6 104.5	2,654.0
(b)	Contractual services	19.5		19.5
(c)	Other	185.6		185.6

Authorized FTE: 35.00 Permanent; 6.00 Term

Performance measures:

- (a) Outcome: Percent of cases dismissed under the six-month rule <1%
- (b) Output: Number of cases prosecuted 1,900

(c) Output: Number of cases referred for screening 2,200

(7) Seventh judicial district:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Catron, Sierra, Socorro and Torrance counties.

Appropriations:

(a) Personal services and		
employee benefits	2,151.5	2,151.5
(b) Contractual services	35.5	35.5
(c) Other	176.2	176.2

Authorized FTE: 36.00 Permanent; 1.00 Term

Performance measures:

(a) Outcome: Percent of cases dismissed under the six-month rule <1.5%

(b) Output: Number of cases prosecuted 1,975

(c) Output: Number of cases referred for screening 2,100

(8) Eighth judicial district:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Taos, Colfax and Union counties.

Appropriations:

(a) Personal services and		
employee benefits	2,352.4	2,352.4
(b) Contractual services	11.0	11.0
(c) Other	191.5	191.5

Authorized FTE: 36.00 Permanent

Performance measures:

(a) Output: Number of cases referred for screening 2,800

(b) Output: Number of cases prosecuted 1,500

(c) Outcome: Percent of cases dismissed under the six-month rule <3%

(9) Ninth judicial district:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Curry and Roosevelt counties.

Appropriations:

(a) Personal services and

employee benefits	2,577.8	2,577.8
-------------------	---------	---------

(b) Contractual services	10.9	10.9
--------------------------	------	------

(c) Other	128.2	128.2
-----------	-------	-------

Authorized FTE: 39.00 Permanent

Performance measures:

(a) Output: Number of cases prosecuted 3,000

(b) Output: Number of cases referred for screening 3,200

(c) Outcome: Percent of cases dismissed under the six-month rule <1%

(10) Tenth judicial district:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Quay, Harding and DeBaca counties.

Appropriations:

(a) Personal services and

employee benefits	875.5	875.5
-------------------	-------	-------

(b) Contractual services	10.8	10.8
--------------------------	------	------

(c) Other	97.8	97.8
-----------	------	------

Authorized FTE: 13.00 Permanent

Performance measures:

(a) Outcome: Percent of cases dismissed under the six-month rule <1%

(b) Output: Number of cases prosecuted 1,000

(c) Output: Number of cases referred for screening 900

(11) Eleventh judicial district-division I:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within San Juan county.

Appropriations:

(a) Personal services and

employee benefits	2,868.2	763.7	132.0	77.2	3,841.1
-------------------	---------	-------	-------	------	---------

(b) Contractual services	23.0				23.0
--------------------------	------	--	--	--	------

(c) Other	355.8				355.8
-----------	-------	--	--	--	-------

Authorized FTE: 55.00 Permanent; 11.60 Term

Performance measures:

(a) Output: Number of cases referred for screening 4,500

(b) Output: Number of cases prosecuted 3,000

(c) Outcome: Percent of cases dismissed under the six-month rule <0.5%

(12) Eleventh judicial district-division II:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within McKinley county.

Appropriations:

(a) Personal services and

employee benefits	1,874.7	124.1			1,998.8
-------------------	---------	-------	--	--	---------

- (b) Contractual services 11.6 11.6
- (c) Other 143.0 143.0

Authorized FTE: 33.00 Permanent; 1.00 Term

Performance measures:

- (a) Outcome: Percent of cases dismissed under the six-month rule <2%
- (b) Output: Number of cases prosecuted 2,700
- (c) Output: Number of cases referred for screening 3,718

(13) Twelfth judicial district:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Lincoln and Otero counties.

Appropriations:

- (a) Personal services and
employee benefits 2,368.7 53.0 225.6 2,647.3
- (b) Contractual services 19.5 19.5
- (c) Other 162.9 0.3 163.2

Authorized FTE: 39.00 Permanent; 8.50 Term

Performance measures:

- (a) Outcome: Percent of cases dismissed under the six-month rule <0.5%
- (b) Output: Number of cases prosecuted 3,400
- (c) Output: Number of cases referred for screening 5,000

(14) Thirteenth judicial district:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Cibola, Sandoval and Valencia counties.

Appropriations:

(a)	Personal services and employee benefits	4,306.1	147.7	4,453.8
(b)	Contractual services	6.9		6.9
(c)	Other	295.8	295.8	

Authorized FTE: 80.00 Permanent; 2.00 Term

Performance measures:

(a) Outcome: Percent of cases dismissed under the six-month rule <0.2%

(b) Output: Number of cases prosecuted 6,200

(c) Output: Number of cases referred for screening 7,966

Subtotal 61,335.9

ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS:

(1) Administrative support:

The purpose of the administrative support program is to provide fiscal, human resource, staff development, automation, victim program services and support to all district attorneys' offices in New Mexico and to members of the New Mexico children's safehouse network so that they may obtain and access the necessary resources in order to effectively and efficiently carry out their prosecutorial, investigative and programmatic functions.

Appropriations:

(a)	Personal services and employee benefits	974.7		974.7
(b)	Contractual services	12.1		12.1
(c)	Other	948.2	180.0	1,128.2

Authorized FTE: 13.00 Permanent

Performance measures:

(a) Output: Number of victim notification events and escapes reported,
monthly 7,500

(b) Output: Number of trainings conducted during the fiscal year 10

Subtotal 2,115.0

TOTAL JUDICIAL 202,764.5 19,799.5 9,800.1 2,218.4 234,582.5

C. GENERAL CONTROL

ATTORNEY GENERAL:

(1) Legal services:

The purpose of the legal services program is to deliver quality legal services, opinions, counsel and representation to state government entities and to enforce state law on behalf of the public so that New Mexicans have an open, honest, efficient government and enjoy the protection of state law.

Appropriations:

(a) Personal services and

employee benefits 9,480.6 3,701.0 13,181.6

(b) Contractual services 236.0 300.0 536.0

(c) Other 1,647.7 631.0 104.0 2,382.7

Authorized FTE: 158.00 Permanent; 1.00 Term

The internal service funds/interagency transfers appropriation to the legal services program of the attorney general in the other category includes one hundred four thousand dollars (\$104,000) from the medicaid fraud division.

All revenue generated from antitrust cases and consumer protection settlements through the attorney general on behalf of the state, political subdivisions or private citizens shall revert to the general fund, unless otherwise required by the terms of a court-approved order or settlement.

The other state funds appropriations to the legal services program of the attorney general include four million six hundred thirty-two thousand dollars (\$4,632,000) from the consumer settlement fund.

The other state funds appropriations to the legal services program of the attorney general include three hundred thousand dollars (\$300,000) for tobacco litigation and arbitration costs, one hundred fifty thousand dollars (\$150,000) for the purpose of qui tam and one hundred fifty thousand dollars (\$150,000) for the purpose of government accountability.

Performance measures:

(a) Outcome: Percent of initial responses to requests for attorney

general opinions made within three days of request 95%

(2) Medicaid fraud:

The purpose of the medicaid fraud program is to investigate and prosecute medicaid provider fraud, recipient abuse and neglect in the medicaid program.

Appropriations:

(a)	Personal services and				
	employee benefits	107.2		1,578.6	1,685.8
(b)	Contractual services		7.0		7.0
(c)	Other	383.3	200.0	583.3	
(d)	Other financing uses			104.0	104.0

Authorized FTE: 21.00 Permanent

The other state funds appropriation to the medicaid fraud program of the attorney general in the other category includes two hundred thousand dollars (\$200,000) for the purpose of court reporting services, witness fees, transcription fees and supplies.

Performance measures:

(a) Outcome: Three-year projected savings resulting from fraud investigations, in millions \$12.2

(b) Explanatory: Total medicaid recoveries, in thousands \$2,000

Subtotal 18,480.4

STATE AUDITOR:

The purpose of the state auditor program is to audit the financial affairs of every agency annually so they can improve accountability and performance and to assure New Mexico citizens that funds are expended properly.

Appropriations:

(a)	Personal services and					
	employee benefits	1,890.0	346.6	345.3	2,581.9	
(b)	Contractual services		114.6	23.8	20.9	159.3
(c)	Other	286.4	59.6	51.9	397.9	

Authorized FTE: 32.00 Permanent; 1.00 Term

Performance measures:

(a) Output: Total audit fees generated \$430,000

(b) Explanatory: Percent of audits completed by regulatory due date 75%

Subtotal 3,139.1

TAXATION AND REVENUE DEPARTMENT:

(1) Tax administration:

The purpose of the tax administration program is to provide registration and licensure requirements for tax programs and to ensure compliance with state tax laws and the administration and to collect state taxes and fees that provide funding for support services for the general public through appropriations.

Appropriations:

(a) Personal services and

employee benefits	22,615.9	2,226.4	1,242.6	26,084.9
-------------------	----------	---------	---------	----------

(b) Contractual services	68.6	44.0	11.8	124.4
--------------------------	------	------	------	-------

(c) Other	5,945.0	504.2	222.9	6,672.1
-----------	---------	-------	-------	---------

Authorized FTE: 489.50 Permanent; 26.00 Term; 29.50 Temporary

Performance measures:

(a) Output: Percent of electronically filed returns for personal income

tax and combined reporting system 65%

(b) Outcome: Collections as a percent of collectible audit assessments

generated in the current fiscal year 40%

(c) Outcome: Collections as a percent of collectable outstanding

balances from the end of the prior fiscal year 20%

(2) Motor vehicle:

The purpose of the motor vehicle program is to register, title and license vehicles, boats and motor vehicle dealers and to enforce operator compliance with the Motor Vehicle Code and federal regulations by conducting tests, investigations and audits.

Appropriations:

(a)	Personal services and			
	employee benefits	7,901.9	7,662.8	15,564.7
(b)	Contractual services	1,208.6	1,749.5	2,958.1
(c)	Other	3,965.0	2,343.4	6,308.4

Authorized FTE: 351.00 Permanent; 3.00 Term; 3.00 Temporary

Performance measures:

- (a) Efficiency: Average call center wait time to reach an agent, in minutes 3.45
 - (b) Outcome: Percent of registered vehicles with liability insurance 91%
 - (c) Efficiency: Average wait time in q-matic-equipped offices, in minutes 14
- (3) Property tax:

The purpose of the property tax program is to administer the Property Tax Code, to ensure the fair appraisal of property and to assess property taxes within the state.

Appropriations:

(a)	Personal services and		
	employee benefits	2,639.9	2,639.9
(b)	Contractual services	81.6	81.6
(c)	Other	573.2	573.2

Authorized FTE: 45.00 Permanent

Performance measures:

- (a) Output: Number of appraisals or valuations for companies conducting business within the state subject to state assessment 500

(b) Outcome: Percent of counties in compliance with sales ratio standard
of eighty-five percent assessed value-to-market value 92%

(4) Compliance enforcement:

The purpose of the compliance enforcement program is to support the overall mission of the taxation and revenue department by enforcing criminal statutes relative to the New Mexico Tax Administration Act and other related financial crimes, as they impact New Mexico state taxes, in order to encourage and achieve voluntary compliance with state tax laws.

Appropriations:

(a)	Personal services and			
	employee benefits	1,913.5		1,913.5
(b)	Contractual services	10.2		10.2
(c)	Other	415.0	415.0	

Authorized FTE: 31.00 Permanent

Performance measures:

(a) Outcome: Number of tax investigations referred to prosecutors as a
percent of total investigations assigned during the year 40%

(5) Program support:

The purpose of program support is to provide information system resources, human resource services, finance and accounting services, revenue forecasting and legal services in order to give agency personnel the resources needed to meet departmental objectives. For the general public, the program conducts hearings for resolving taxpayer protests and provides stakeholders with reliable information regarding the state's tax programs.

Appropriations:

(a)	Personal services and				
	employee benefits	13,273.7	699.7	357.8	14,331.2
(b)	Contractual services	2,375.9		48.0	2,423.9
(c)	Other	4,540.5	34.8	153.0	4,728.3

Authorized FTE: 205.00 Permanent

Notwithstanding the provisions of Subsection E of Section 7-1-6.41 NMSA 1978, in order to fund the fair share initiative, the department shall withhold an administrative fee in the amount of three and twenty-five hundredths percent of the distributions specified in Subsection E of Section 7-1-6.41 NMSA 1978 and, notwithstanding the provisions of Subsection F of that section, the portion of the fee equal to twenty-five hundredths percent of the amount to be distributed shall not be deposited in the general fund but shall be retained by the department and is included in the other state fund appropriations to the department.

Performance measures:

(a) Outcome: Percent of driving-while-intoxicated drivers license

revocations rescinded due to failure to hold hearings

within ninety days < 1%

Subtotal 84,829.4

STATE INVESTMENT COUNCIL:

(1) State investment:

The purpose of the state investment program is to provide investment management of the state's permanent funds for the citizens of New Mexico in order to maximize distributions to the state's operating budget while preserving the real value of the funds for future generations of New Mexicans.

Appropriations:

(a) Personal services and

employee benefits	3,582.1	3,582.1
-------------------	---------	---------

(b) Contractual services	30,071.1	30,071.1
--------------------------	----------	----------

(c) Other	824.4	824.4
-----------	-------	-------

Authorized FTE: 32.00 Permanent

The other state funds appropriation to the state investment council in the contractual services category includes twenty-seven million seven hundred ninety-three thousand four hundred dollars (\$27,793,400) for money manager fees.

Performance measures:

(a) Outcome: One-year annualized investment returns to exceed internal

benchmarks, in basis points >25

(b) Outcome: Five-year annualized investment returns to exceed internal

benchmarks, in basis points >25

(c) Outcome: One-year annualized percentile performance ranking in

endowment investment peer universe <49

(d) Outcome: Five-year annualized percentile performance ranking in

endowment investment peer universe <49

Subtotal 34,477.6

DEPARTMENT OF FINANCE AND ADMINISTRATION:

(1) Policy development, fiscal analysis, budget oversight and education accountability:

The purpose of the policy development, fiscal analysis, budget oversight and education accountability program is to provide professional, coordinated policy development and analysis and oversight to the governor, the legislature and state agencies so they can advance the state's policies and initiatives using appropriate and accurate data to make informed decisions for the prudent use of the public's tax dollars.

Appropriations:

(a) Personal services and

employee benefits 3,268.0 3,268.0

(b) Contractual services 115.9 115.9

(c) Other 208.2 208.2

Authorized FTE: 36.00 Permanent

Performance measures:

(a) Outcome: Level of general fund reserves maintained as a percent of

recurring appropriations 5%

(b) Outcome: Percent of bond projects that expired at the end of the

previous fiscal year for which proceeds are reverted six

months following fiscal year-end 95%

(2) Community development, local government assistance and fiscal oversight:

The purpose of the community development, local government assistance and fiscal oversight program is to help counties, municipalities and special districts maintain strong communities through sound fiscal advice and oversight, technical assistance, monitoring of project and program progress and timely processing of payments, grant agreements and contracts.

Appropriations:

(a)	Personal services and				
	employee benefits	2,113.4	1,027.8	423.9	3,565.1
(b)	Contractual services	2,078.9	2,056.1	32.0	4,167.0
(c)	Other	132.2	36,563.4	14,084.4	50,780.0
(d)	Other financing uses		1,800.0		1,800.0

Authorized FTE: 31.00 Permanent; 21.00 Term

~~[Notwithstanding the provisions of Section 11-6A-3 NMSA 1978 or other substantive law, the other state funds appropriation in the other financing uses category includes one million five hundred thousand dollars (\$1,500,000) from the local DWI grant fund to be transferred to the administrative office of the courts for drug courts.] LINE-ITEM VETO~~

Performance measures:

- (a) Output: Number of capital projects older than five years that are unexpended or not reverted 20
- (b) Output: Percent of local entity budgets submitted to the local government division by established deadline 90%
- (c) Outcome: Percent of local capital outlay projects included in the infrastructure capital improvement plan 90%
- (d) Output: Percent of state agency capital outlay projects included in the infrastructure capital improvement plan 90%

(3) Fiscal management and oversight:

The purpose of the fiscal management and oversight program is to provide for and promote financial accountability for public funds throughout state government and provide state agencies and the citizens of New Mexico with timely, accurate and comprehensive information on the financial status and expenditures of the state.

Appropriations:

(a)	Personal services and employee benefits	4,252.3	582.9	4,835.2
(b)	Contractual services	247.3		247.3
(c)	Other	685.4	685.4	

Authorized FTE: 65.00 Permanent

Performance measures:

(a) Efficiency: Length of time to issue the comprehensive annual financial report after the end of the fiscal year, in months7

(4) Program support:

The purpose of program support is to provide other department of finance and administration programs with central direction to agency management processes to ensure consistency, legal compliance and financial integrity to administer the executive's exempt salary plan and to review and approve all state professional services contracts.

Appropriations:

(a)	Personal services and employee benefits	1,509.5		1,509.5
(b)	Contractual services	100.3		100.3
(c)	Other	58.3	58.3	

Authorized FTE: 19.00 Permanent

Performance measures:

(a) Outcome: Percent of funds reconciled and closed, as an internal process, within 15 days after month-end 100%

(5) Dues and membership fees/special appropriations:

Appropriations:

(a)	Council of state governments	96.1		96.1
(b)	Western interstate commission for higher education	125.0		125.0
(c)	Education commission of the states	60.5	60.5	
(d)	National association of state budget officers	15.7		15.7
(e)	National conference of state legislatures	132.1	132.1	
(f)	Western governors' association	36.0	36.0	
(g)	Governmental accounting standards board	15.7		15.7
(h)	National center for state courts	93.0	93.0	
(i)	National conference of insurance legislators	10.0		10.0
(j)	National council of legislators from gaming states	3.0		3.0
(k)	National governors' association	80.4	80.4	
(l)	Citizens' review board	343.6	190.0	533.6
(m)	Emergency water supply fund	127.5		127.5

(n)	Fiscal agent contract	760.0	760.0
(o)	State planning districts	721.7	721.7
(p)	Youth mentoring program	2,377.4	2,377.4
(q)	Luna county teen court	20.7	20.7
(r)	Santa Fe teen court	62.0	62.0
(s)	Law enforcement protection fund	7,809.4	7,809.4
(t)	Leasehold community assistance	133.9	133.9
(u)	Acequia and community ditch education program	231.4	231.4
(v)	New Mexico acequia commission	13.9	13.9
(w)	Food banks	365.5	365.5
(x)	County detention of prisoners	4,390.6	4,390.6
(y)	New Mexico rodeo	70.0	70.0
(z)	New Mexico mortgage finance authority-regional housing	30.0	30.0

Notwithstanding the provisions of Section 34-16-1 NMSA 1978 or other substantive law, thirty-one thousand dollars (\$31,000) is transferred from the juvenile adjudication fund to the general fund.

The general fund appropriation of thirty thousand dollars (\$30,000) to the department of finance and administration in the dues and membership fees/special appropriations is for disbursement to the New Mexico mortgage finance authority to carry out the responsibilities, duties and provisions of the regional housing law.

Upon certification by the state board of finance pursuant to Section 6-1-2 NMSA 1978 that a critical emergency exists that cannot be addressed by disaster declaration or other emergency or contingency funds ~~[and on review by the legislative finance committee]~~, the secretary of the department of finance and administration is authorized to transfer from the general fund operating reserve to the state board of finance emergency fund the amount necessary to meet the emergency. Such transfers shall not exceed an aggregate amount of one million five hundred thousand dollars (\$1,500,000) in fiscal year 2011. *LINE-ITEM VETO*

Subtotal 89,655.3

PUBLIC SCHOOL INSURANCE AUTHORITY:

(1) Benefits:

The purpose of the benefits program is to provide an effective health insurance package to educational employees and their eligible family members so they are protected against catastrophic financial losses due to medical problems, disability or death.

Appropriations:

(a) Contractual services	285,660.0	285,660.0
(b) Other financing uses	648.1	648.1

Performance measures:

(a) Outcome: Average number of days to resolve inquiries and appeals

related to customer service claims 12

(b) Efficiency: Percent variance of medical premium change between the

public school insurance authority and industry average 0%

(c) Output: Number of participants covered by health plans 60,000

(2) Risk:

The purpose of the risk program is to provide economical and comprehensive property, liability and workers' compensation programs to educational entities so they are protected against injury and loss.

Appropriations:

(a) Contractual services	56,694.7	56,694.7
(b) Other financing uses	648.1	648.1

Performance measures:

(a) Outcome: Number of workers' compensation claims in the area of ergonomics 65

(b) Outcome: Average cost per workers' compensation claim for current fiscal year \$5,000

(3) Program support:

The purpose of program support is to provide administrative support for the benefits and risk programs and to assist the agency in delivering services to its constituents.

Appropriations:

(a) Personal services and employee benefits	867.0	867.0
(b) Contractual services	192.6	192.6
(c) Other	236.6	236.6

Authorized FTE: 11.00 Permanent

Subtotal 344,947.1

RETIREE HEALTH CARE AUTHORITY:

(1) Health care benefits administration:

The purpose of the health care benefits administration program is to provide fiscally solvent core group and optional healthcare benefits and life insurance to current and future eligible retirees and their dependents so they may access covered and available core group and optional healthcare benefits and life insurance benefits when they need them.

Appropriations:

(a) Contractual services	217,911.1	217,911.1
(b) Other financing uses	2,756.5	2,756.5

Performance measures:

(a) Output: Minimum number of years of long-term actuarial solvency 15

(b) Outcome: Total revenue generated, in millions \$217.8

(c) Efficiency: Total revenue increase to the reserve fund, in millions \$14

(d) Efficiency: Average monthly per-participant claim cost, non-medicare
eligible \$585

(e) Output: Average monthly per-participant claim cost, medicare
eligible \$298

(2) Program support:

The purpose of program support is to provide administrative support for the health care benefits administration program to assist the agency in delivering its services to its constituents.

Appropriations:

(a)	Personal services and employee benefits	1,713.9	1,713.9
(b)	Contractual services	488.2	488.2
(c)	Other	554.4	554.4

Authorized FTE: 25.00 Permanent

Any unexpended balances in program support of the retiree health care authority remaining at the end of fiscal year 2011 shall revert to the health care benefits administration program.

Subtotal 223,424.1

GENERAL SERVICES DEPARTMENT:

(1) Employee group health benefits:

The purpose of the employee group health benefits program is to effectively administer comprehensive health-benefit plans to state and local government employees.

Appropriations:

(a)	Contractual services	20,280.0	20,280.0
(b)	Other	331,167.8	331,167.8
(c)	Other financing uses	1,626.7	1,626.7

Performance measures:

- (a) Efficiency: Percent change in state employee medical premium compared
 with the industry average 0%
- (b) Efficiency: Percent change in dental premium compared with the national
 average 0%
- (c) Explanatory: Percent of eligible state employees purchasing state health
 insurance 90%

(2) Risk management:

The purpose of the risk management program is to protect the state's assets against property, public liability, workers' compensation, state unemployment compensation, local public bodies unemployment compensation and surety bond losses so that agencies can perform their missions in an efficient and responsive manner.

Appropriations:

(a)	Personal services and employee benefits		4,224.7	4,224.7
(b)	Other	515.0	515.0	
(c)	Other financing uses		2,201.3	2,201.3

Authorized FTE: 63.00 Permanent

Performance measures:

- (a) Explanatory: Projected financial position of the public property reserve
 fund 50%
- (b) Explanatory: Projected financial position of the workers' compensation
 retention fund 20%

(3) Risk management funds:

Appropriations:

(a)	Public liability		35,921.4	35,921.4
(b)	Surety bond	150.3	150.3	
(c)	Public property reserve		8,860.1	8,860.1
(d)	Local public body unemployment compensation reserve		1,533.7	1,533.7
(e)	Workers' compensation retention	22,178.2	22,178.2	
(f)	State unemployment compensation		5,809.2	5,809.2
(g)	Employee assistance program		400.0	400.0

(4) State printing services:

The purpose of the state printing services program is to provide quality information processing services that are both timely and cost-effective so agencies can perform their missions in an efficient and responsive manner.

Appropriations:

(a)	Personal services and employee benefits		1,178.2	1,178.2
(b)	Contractual services		13.0	13.0
(c)	Other	682.6	682.6	
(d)	Other financing uses		92.3	92.3

Authorized FTE: 18.00 Permanent

(5) Business office space management and maintenance services:

The purpose of the business office space management and maintenance services program is to provide employees and the public with effective property management so that agencies can perform their missions in an efficient and responsive manner.

Appropriations:

(a)	Personal services and employee benefits	6,910.7	136.3	7,047.0
(b)	Contractual services	433.5	8.6	442.1
(c)	Other	5,395.2	106.4	5,501.6
(d)	Other financing uses	159.5	3.2	162.7

Authorized FTE: 165.00 Permanent

Performance measures:

(a) Explanatory: Percent of state-controlled office space occupied 95%

(b) Outcome: Annual percent reduction of greenhouse gas emissions for
state-owned buildings served by building services division
relative to fiscal year 2005 baseline 3%

(c) Explanatory: Percent of projects greater than one million dollars in
compliance with appropriation guidelines 100%

(d) Outcome: Percent of electricity purchased by the building services
division from renewable energy sources 90%

(6) Transportation services:

The purpose of the transportation services program is to provide centralized and effective administration of the state's motor pool and aircraft transportation services so that agencies can perform their missions in an efficient and responsive manner.

Appropriations:

(a)	Personal services and employee benefits	121.3	2,288.2	2,409.5
(b)	Contractual services	4.3	80.8	85.1
(c)	Other	349.2	10,564.0	10,913.2
(d)	Other financing uses	18.4	348.4	366.8

Authorized FTE: 38.00 Permanent

Performance measures:

- (a) Explanatory: Percent of short-term vehicle use 80%
- (b) Output: Percent of cars and other light-duty vehicles purchased by state agencies that exceed existing federal fuel efficiency standards for passenger vehicles 100%
- (c) Efficiency: Percent of total available aircraft fleet hours used 65%
- (7) Procurement services:

The purpose of the procurement services program is to provide a procurement process for tangible property for government entities to ensure compliance with the Procurement Code so that agencies can perform their missions in an efficient and responsive manner.

Appropriations:

- (a) Personal services and
employee benefits 1,299.9 571.8 1,871.7
- (b) Other 176.0 37.2 213.2
- (c) Other financing uses 70.3 16.2 86.5

Authorized FTE: 29.00 Permanent

Performance measures:

- (a) Outcome: Percent of all price agreement renewals considered for "best value" strategic sourcing option 10%
- (b) Quality: Percent of customers satisfied with procurement services 90%
- (c) Outcome: Number of small business clients assisted 250
- (d) Output: Number of government employees trained on Procurement Code compliance and methods 500
- (8) Program support:

The purpose of program support is to manage the program performance process to demonstrate success.

Appropriations:

(a)	Personal services and employee benefits	2,750.7	2,750.7
(b)	Contractual services	327.0	327.0
(c)	Other	518.4	518.4

Authorized FTE: 39.00 Permanent

Any unexpended balances in program support of the general services department remaining at the end of fiscal year 2011 shall revert to the procurement services, printing services, risk management, employee group benefits, business office space management and maintenance and transportation services programs based on the proportion of the individual programs' assessments for program support.

Performance measures:

- (a) Efficiency: Average number of working days to process purchase orders and invoices PO:2/Inv:2
- (b) Quality: Percent decrease of audit findings compared with audit findings in the previous fiscal year 95%

Subtotal 469,530.0

EDUCATIONAL RETIREMENT BOARD:

(1) Educational retirement:

The purpose of the educational retirement program is to provide secure retirement benefits to active and retired members so they can have secure monthly benefits when their careers are finished.

Appropriations:

(a)	Personal services and employee benefits	4,197.4	4,197.4
(b)	Contractual services	21,826.7	21,826.7

(c) Other 884.2 884.2

Authorized FTE: 58.00 Permanent

The other state funds appropriation to the educational retirement program of the educational retirement board in the contractual services category includes nineteen million five hundred sixty-nine thousand six hundred dollars (\$19,569,600) for investment manager and consulting fees.

The other state funds appropriation to the educational retirement program of the educational retirement board in the contractual services category includes seven hundred thousand dollars (\$700,000) for payment of custody services associated with the fiscal agent contract.

Performance measures:

(a) Outcome: Funding period of unfunded actuarial accrued liability, in
years 30

(b) Outcome: Average rate of return over a cumulative five-year period 8%

Subtotal 26,908.3

NEW MEXICO SENTENCING COMMISSION:

The purpose of the New Mexico sentencing commission is to provide information, analysis, recommendations and assistance from a coordinated cross-agency perspective to the three branches of government and interested citizens so they have the resources they need to make policy decisions that benefit the criminal and juvenile justice systems.

Appropriations:

(a) Contractual services 675.0 30.0 705.0

(b) Other 8.5 8.5

Performance measures:

(a) Output: Percent of criminal and juvenile justice bills analyzed for
a legislative session 100%

(b) Outcome: Percent of total possible victims who receive automated
victim notification 25%

Subtotal 713.5

PUBLIC DEFENDER DEPARTMENT:

(1) Criminal legal services:

The purpose of the criminal legal services program is to provide effective legal representation and advocacy for eligible clients so that their liberty and constitutional rights are protected and to serve the community as a partner in assuring a fair and efficient criminal justice system that also sustains New Mexico's statutory and constitutional mandate to adequately fund a statewide indigent defense system.

Appropriations:

(a)	Personal services and			
	employee benefits	25,128.3		25,128.3
(b)	Contractual services	10,552.2	74.4	10,626.6
(c)	Other	5,593.3	165.6	5,758.9

Authorized FTE: 411.00 Permanent

Performance measures:

(a) Output:	Number of alternative sentencing treatment placements for		
	felony and juvenile clients	4,000	
(b) Efficiency:	Percent of cases in which application fees were collected		35%
(c) Quality:	Percent of felony cases resulting in a reduction of		
	original formally filed charges		37%
(d) Explanatory:	Annual attorney full-time-equivalent vacancy rate		7%
Subtotal		41,513.8	

GOVERNOR:

(1) Executive management and leadership:

The purpose of the executive management and leadership program is to provide appropriate management and leadership to the executive branch of government to allow for a more efficient and effective operation of the agencies within that branch of government on behalf of the citizens of the state.

Appropriations:

(a)	Personal services and		
	employee benefits	3,357.0	3,357.0

(b)	Contractual services	104.2	104.2
(c)	Other 537.6	537.6	

Authorized FTE: 37.30 Permanent

Subtotal 3,998.8

LIEUTENANT GOVERNOR:

(1) State ombudsman:

The purpose of the state ombudsman program is to facilitate and promote cooperation and understanding between the citizens of New Mexico and the agencies of state government, refer any complaints or special problems citizens may have to the proper entities, and keep records of activities and make an annual report to the governor.

Appropriations:

(a)	Personal services and employee benefits	691.7	691.7
(b)	Contractual services	33.5	33.5
(c)	Other 59.4	59.4	

Authorized FTE: 8.00 Permanent

Subtotal 784.6

DEPARTMENT OF INFORMATION TECHNOLOGY:

(1) Compliance and project management:

The purpose of the compliance and project management program is to provide information technology strategic planning, oversight and consulting services to New Mexico government agencies so they can improve services provided to New Mexico citizens.

Appropriations:

(a)	Personal services and employee benefits	665.6	665.6
(b)	Other 25.8	25.8	
(c)	Other financing uses	139.9	139.9

Authorized FTE: 7.00 Permanent

Performance measures:

(a) Outcome: Percent of executive agency certified projects reviewed

monthly for compliance and oversight requirements 100%

(b) Output: Percent of information technology projects that require and

receive a formal architecture review prior to project

implementation 100%

(2) Enterprise services:

The purpose of the enterprise services program is to provide reliable and secure infrastructure for voice, radio, video and data communications through the state's enterprise data center and telecommunications network.

Appropriations:

(a) Personal services and

employee benefits	12,237.1	12,237.1
-------------------	----------	----------

(b) Contractual services	8,605.5	8,605.5
--------------------------	---------	---------

(c) Other	21,871.1	21,871.1
-----------	----------	----------

(d) Other financing uses	9,837.8	9,837.8
--------------------------	---------	---------

Authorized FTE: 153.00 Permanent

The internal service funds/interagency transfers appropriation to the enterprise services program of the department of information technology in the other financing uses category includes six million dollars (\$6,000,000) for the equipment replacement revolving funds.

Performance measures:

(a) Output: Queue-time to reach a customer service representative at

the help desk, in seconds 17

(b) Outcome: Percent of unscheduled downtime of the mainframe .01%

(3) Equipment replacement revolving funds:

Appropriations:

(a)	Other	6,000.0	6,000.0
-----	-------	---------	---------

The internal service funds/interagency transfers appropriation to the equipment replacement revolving funds of the department of information technology in the other category includes one million three hundred thousand dollars (\$1,300,000) for the statewide human resources, accounting and management reporting system equipment replacement fund and four million seven hundred thousand dollars (\$4,700,000) for the enterprise services funds.

(4) Program support:

The purpose of program support is to provide management and ensure cost recovery and allocation services through leadership, policies, procedures and administrative support for the department.

Appropriations:

(a)	Personal services and employee benefits	3,221.3	3,221.3
(b)	Contractual services	48.9	48.9
(c)	Other	124.1	124.1

Authorized FTE: 41.00 Permanent

Performance measures:

(a) Outcome: Percent of audit corrective action plan commitments

completed on schedule 95%

(b) Outcome: Percent of mainframe services meeting federal standards for

cost recovery 100%

Subtotal	62,777.1
----------	----------

PUBLIC EMPLOYEES RETIREMENT ASSOCIATION:

(1) Pension administration:

The purpose of the pension administration program is to provide information, retirement benefits, and an actuarially sound fund to association members so they can receive the defined benefit they are entitled to when they retire from public service.

Appropriations:

(a)	Personal services and employee benefits	5,951.5	5,951.5
(b)	Contractual services	25,305.4	25,305.4
(c)	Other	1,327.4	1,327.4

Authorized FTE: 76.00 Permanent; 12.00 Term

The other state funds appropriation to the pension administration program of the public employees retirement association in the contractual services category includes twenty million eight hundred ninety-eight thousand two hundred dollars (\$20,898,200) for investment manager and consulting fees.

The other state funds appropriation to the pension administration program of the public employees retirement association in the contractual services category includes two million one hundred one thousand six hundred dollars (\$2,101,600) for fiscal agent custody services.

The other state funds appropriation to the pension administration program of the public employees retirement association in the contractual services category includes six hundred thousand dollars (\$600,000) for investment-related legal fees.

The other state funds appropriation to the pension administration program of the public employees retirement association in the contractual services category includes eight hundred sixty-one thousand dollars (\$861,000) for the retirement information online system maintenance fees.

The other state funds appropriation to the pension administration program of the public employees retirement association in the contractual services category includes one hundred thousand dollars (\$100,000) for the document imaging system maintenance fees.

Performance measures:

(a) Efficiency: Average number of days to respond to requests for benefit estimates, military buy-backs and service credit verifications 30-40

(b) Explanatory: Number of years needed to finance the unfunded actuarial accrued liability for the public employees retirement plans with current statutory contribution rates 30

(c) Outcome: Five-year average annualized investment returns to exceed internal benchmark, in basis points >50

(d) Outcome: Five-year annualized performance ranking in a national

survey of fifty to sixty similar large public pension plans
in the United States, as a percentile <49th

Subtotal 32,584.3

STATE COMMISSION OF PUBLIC RECORDS:

(1) Records, information and archival management:

The purpose of the records, information and archival management program is to develop, implement and provide tools, methodologies and services for use by, and for the benefit of, government agencies, historical record repositories and the public so that the state can effectively create, preserve, protect and properly dispose of records, facilitate their use and understanding and protect the interests of the people of New Mexico.

Appropriations:

(a) Personal services and

employee benefits 2,367.6 62.5 8.7 2,438.8

(b) Contractual services 51.8 10.0 15.0 76.8

(c) Other 260.7 134.5 14.9 410.1

Authorized FTE: 40.00 Permanent; 2.00 Term

Performance measures:

(a) Outcome: Maximum number of days between rule effective date and

online availability 30

(b) Outcome: Percent of total records items scheduled, reviewed, amended

or replaced within a five-year period 30%

Subtotal 2,925.7

SECRETARY OF STATE:

(1) Administration and operations:

The purpose of the administration and operations program is to provide operational services to commercial and business entities and citizens, including administration of notary public commissions, Uniform Commercial Code filings, trademark registrations and partnerships and to provide administrative services needed to carry out elections.

Appropriations:

(a)	Personal services and employee benefits	2,665.8	2,665.8
(b)	Contractual services	592.4	592.4
(c)	Other	247.8 450.0	697.8

Authorized FTE: 40.00 Permanent; 1.00 Temporary

Performance measures:

(a) Output: Percent of partnership registration requests processed
within the three-day statutory deadline 100%

(2) Elections:

The purpose of the elections program is to provide voter education and information on election law and government ethics to citizens, public officials and candidates so they can comply with state law.

Appropriations:

(a)	Contractual services	25.0	25.0
(b)	Other	1,113.4	1,113.4

Performance measures:

(a) Outcome: Percent of eligible voters who are registered to vote 78%

(b) Outcome: Percent of campaign reports filed electronically by the due
date 98%

(c) Outcome: Percent of voting machines tested 100%

Subtotal 5,094.4

PERSONNEL BOARD:

(1) Human resource management:

The purpose of the human resource management program is to provide a flexible system of merit-based opportunity, appropriate compensation, human resource accountability and employee development that

meets the evolving needs of the agencies, employees, applicants and the public, so economy and efficiency in the management of state affairs may be provided while protecting the interest of the public.

Appropriations:

(a)	Personal services and employee benefits	3,915.8	29.0	3,944.8
(b)	Contractual services	28.6		28.6
(c)	Other	233.0	233.0	

Authorized FTE: 58.00 Permanent

Any unexpended balances remaining in the state employees' career development conference fund at the end of fiscal year 2011 shall not revert to the general fund.

Performance measures:

- (a) Outcome: Average number of days to fill a vacant position 40
- (b) Outcome: Percent of union grievances resolved prior to formal arbitration 95%
- (c) Outcome: Percent of new employees who successfully complete their probationary period 85%
- (d) Outcome: Number of rule compliance audit reviews performed during the fiscal year 5
- (e) Output: Percent of eligible employees with a completed performance appraisal on record at the close of the fiscal year 99%
- (f) Outcome: Number of personnel system review audits performed during the fiscal year 4
- (g) Outcome: Average employee pay as a percent of board-approved comparator market, based on legislative authorization 100%
- (h) Outcome: Percent of new hire employee turnover 25%

Subtotal 4,206.4

PUBLIC EMPLOYEES LABOR RELATIONS BOARD:

The purpose of the public employee labor relations board is to assure all state and local public body employees have the right to organize and bargain collectively with their employers or to refrain from such.

Appropriations:

(a)	Personal services and		
	employee benefits	244.6	244.6
(b)	Contractual services	4.1	4.1
(c)	Other	50.1	50.1

Authorized FTE: 3.00 Permanent

Subtotal 298.8

STATE TREASURER:

The purpose of the state treasurer program is to provide a financial environment that maintains maximum accountability for receipt and disbursement of public funds to protect the financial interests of New Mexico citizens.

Appropriations:

(a)	Personal services and		
	employee benefits	3,221.2	3,221.2
(b)	Contractual services	143.0	143.0
(c)	Other	584.7 122.3	707.0

Authorized FTE: 42.00 Permanent

Performance measures:

(a) Outcome: Percent of employee development and appraisal assessments

closed out by the deadline 100%

(b) Outcome: One-year annualized investment return on local government

investment pool to exceed internal benchmark, in basis
points 5

(c) Outcome: Percent of agencies rating overall satisfaction with state
investment office services on a scale of one to seven with
a score of five or better 80%

(d) Outcome: One-year annualized investment return on general fund core
portfolio to exceed internal benchmarks, in basis points 5

(e) Outcome: Percent of employees rating their employment experience on
a scale of one to seven with a score of five or higher 80%

(f) Outcome: Percent of reconciling items cleared within thirty days of
identification 100%

(g) Outcome: Percent increase of local government investment pool
average balance over the prior fiscal year end 5%

(h) Outcome: Maximum number of audit findings 3

Subtotal 4,071.2

TOTAL GENERAL CONTROL	181,731.9	732,833.4	522,055.8	17,738.8
	1,454,359.9			

D. COMMERCE AND INDUSTRY

BOARD OF EXAMINERS FOR ARCHITECTS:

(1) Architectural registration:

The purpose of the architectural registration program is to provide architectural registration to approved applicants so they can practice architecture.

Appropriations:

(a) Personal services and employee benefits	253.0	253.0
--	-------	-------

(b)	Contractual services		14.4	14.4
(c)	Other	94.7	94.7	

Authorized FTE: 4.00 Permanent

Subtotal 362.1

BORDER AUTHORITY:

(1) Border development:

The purpose of the border development program is to encourage and foster trade development in the state by developing port facilities and infrastructure at international ports of entry to attract new industries and business to the New Mexico border and to assist industries, businesses and the traveling public in their efficient and effective use of ports and related facilities.

Appropriations:

(a)	Personal services and			
	employee benefits	251.2	44.2	295.4
(b)	Contractual services	35.4	4.6	40.0
(c)	Other	98.8	16.2	115.0

Authorized FTE: 4.00 Permanent

Performance measures:

(a) Outcome: Annual trade share of New Mexico ports within the west

Texas and New Mexico region 4.9%

Subtotal 450.4

TOURISM DEPARTMENT:

(1) Marketing and promotion:

The purpose of the marketing and promotion program is to produce and provide collateral, editorial and special events for the consumer and trade industry so that they may increase their awareness of New Mexico as a premier tourist destination.

Appropriations:

(a) Personal services and

	employee benefits	1,677.2		1,677.2
(b)	Contractual services	563.6		563.6
(c)	Other	3,953.9	90.0	4,043.9

Authorized FTE: 39.50 Permanent; 1.00 Term

The general fund appropriations to the marketing and promotion program of the tourism department include four hundred thousand dollars (\$400,000) in the contractual services category and three million eighty-seven thousand five hundred dollars (\$3,087,500) in the other category for direct marketing, promotion and advertising. Of the appropriation in the other category, one hundred thousand dollars (\$100,000) shall be used on statewide advertising efforts with the state parks division of the energy, minerals and natural resources department, one hundred thousand dollars (\$100,000) shall be used on statewide advertising efforts with the cultural affairs department and fifty thousand dollars (\$50,000) shall be used on statewide advertising efforts to promote golf tourism.

Performance measures:

(a) Outcome: New Mexico's domestic tourism market share 1.25%

(b) Output: Print advertising conversion rate 25%

(c) Output: Broadcast conversion rate 34%

(d) Explanatory: Number of visits to visitor information centers 1,300,000

(2) Tourism development:

The purpose of the tourism development program is to provide constituent services for communities, regions and other entities so that they may identify their needs and assistance can be provided to locate resources to fill those needs, whether internal or external to the organization.

Appropriations:

(a)	Personal services and			
	employee benefits	191.9	168.2	360.1
(b)	Contractual services	96.4	84.4	180.8
(c)	Other	933.1	819.6	1,752.7

Authorized FTE: 5.00 Permanent

The general fund appropriation to the tourism development program of the tourism department in the other category includes seven hundred fifty thousand dollars (\$750,000) for the cooperative advertising program.

Performance measures:

(a) Outcome: Number of partnered cooperative advertising applications

received 21

(3) New Mexico magazine:

The purpose of the New Mexico magazine program is to produce a monthly magazine and ancillary products for a state and global audience so that the audience can learn about New Mexico from cultural, historical and educational perspectives.

Appropriations:

(a) Personal services and

employee benefits 1,194.8 1,194.8

(b) Contractual services 923.4 923.4

(c) Other 2,221.1 2,221.1

Authorized FTE: 17.00 Permanent

Performance measures:

(a) Outcome: Circulation rate 90,000

(b) Output: Advertising revenue per issue, in thousands \$105

(c) Output: Collection rate 99.2%

(4) Sports authority:

The purpose of the sports authority program is to recruit new events and retain existing events of professional and amateur sports to advance the economy and tourism in the state.

Appropriations:

(a) Personal services and

employee benefits 207.7 207.7

(b) Contractual services 53.4 53.4

(c) Other 95.0 95.0

Authorized FTE: 2.00 Permanent

Performance measures:

- (a) Outcome: Number of new major sporting events attracted to New Mexico 1
- (b) Outcome: Number of new minor sporting events attracted to New Mexico 10

(5) Program support:

The purpose of program support is to provide administrative assistance to support the department's programs and personnel so they may be successful in implementing and reaching their strategic initiatives and maintaining full compliance with state rules and regulations.

Appropriations:

- (a) Personal services and
employee benefits 1,185.0 1,185.0
- (b) Contractual services 28.5 28.5
- (c) Other 441.7 441.7

Authorized FTE: 17.00 Permanent

Subtotal 14,928.9

ECONOMIC DEVELOPMENT DEPARTMENT:

(1) Economic development:

The purpose of the economic development program is to assist communities in preparing for their role in the new economy, focusing on high-quality job creation and improved infrastructure so New Mexicans can increase their wealth and improve their quality of life.

Appropriations:

- (a) Personal services and
employee benefits 1,875.4 1,875.4
- (b) Contractual services 1,186.3 1,186.3
- (c) Other 172.3 172.3

Authorized FTE: 26.00 Permanent

The purpose of the Mexican affairs program is to produce new high-paying employment opportunities for New Mexicans so they can increase their wealth and improve their quality of life.

Appropriations:

(a)	Personal services and employee benefits	200.7	200.7
(b)	Contractual services	70.3	70.3
(c)	Other	80.3	80.3

Authorized FTE: 4.00 Permanent

Performance measures:

(a) Output: Number of jobs created by maquiladora suppliers 230

(4) Technology commercialization:

The purpose of the technology commercialization program is to increase the start-up, relocation and growth of technology-based business in New Mexico to give New Mexicans the opportunity for high-paying jobs.

Appropriations:

(a)	Personal services and employee benefits	83.5	83.5
(b)	Contractual services	6.2	6.2
(c)	Other	19.1	19.1

Authorized FTE: 2.00 Permanent

Performance measures:

(a) Outcome: Amount of investment as a result of office of science and
technology efforts, in millions \$10

(b) Output: Number of new angel investors found as a result of office
of science and technology efforts 18

(5) Program support:

The purpose of program support is to provide central direction to agency management processes and fiscal support to agency programs to ensure consistency, continuity and legal compliance.

Appropriations:

(a)	Personal services and employee benefits	1,700.9	1,700.9
(b)	Contractual services	1,322.5	1,322.5
(c)	Other	250.9	250.9

Authorized FTE: 22.00 Permanent

Subtotal 8,133.5

REGULATION AND LICENSING DEPARTMENT:

(1) Construction industries and manufactured housing:

The purpose of the construction industries and manufactured housing program is to provide code compliance oversight; issue licenses, permits and citations; perform inspections; administer exams; process complaints; and enforce laws and rules relating to general construction and manufactured housing standards to industry professionals.

Appropriations:

(a)	Personal services and employee benefits	7,340.9	7,340.9
(b)	Contractual services	54.3	54.3
(c)	Other	1,292.4 100.0 250.0 107.0	1,749.4

Authorized FTE: 131.00 Permanent; 3.00 Term

Performance measures:

(a) Output: Percent of consumer complaint cases resolved out of the
total number of complaints filed 96%

(b) Efficiency: Percent of all inspections performed, including

installations of manufactured homes in the field, within
seven days of inspection request 70%

(2) Financial institutions and securities:

The purpose of the financial institutions and securities program is to issue charters and licenses, perform examinations, investigate complaints, enforce laws and rules and promote investor protection and confidence so that capital formation is maximized and a secure financial infrastructure is available to support economic development.

Appropriations:

(a)	Personal services and			
	employee benefits	2,506.9	512.3	3,019.2
(b)	Contractual services	28.1	175.3	203.4
(c)	Other	238.0	167.9	405.9

Authorized FTE: 46.00 Permanent

Performance measures:

- (a) Outcome: Percent of statutorily complete applications processed
within a standard number of days by type of application 95%
- (b) Outcome: Percent of examination reports mailed to a depository
institution within thirty days of exit from the institution
or the exit conference meeting 95%

(3) Alcohol and gaming:

The purpose of the alcohol and gaming program is to regulate the sale, service and public consumption of alcoholic beverages and, in cooperation with the department of public safety, enforce the Liquor Control Act to protect the health, safety and welfare of the citizens of and visitors to New Mexico.

Appropriations:

(a)	Personal services and			
	employee benefits	831.1		831.1
(b)	Contractual services	44.8		44.8

(c) Other 45.1 45.1

Authorized FTE: 16.00 Permanent

Performance measures:

(a) Output: Number of days to resolve an administrative citation that does not require a hearing 30

(b) Outcome: Number of days to issue a restaurant (beer and wine) liquor license 120

(4) Program support:

The purpose of program support is to provide leadership and centralized direction, financial management, information systems support and human resources support for all agency organizations in compliance with governing regulations, statutes and procedures so they can license qualified applicants, verify compliance with statutes and resolve or mediate consumer complaints.

Appropriations:

(a) Personal services and			
employee benefits	1,669.9	839.8	2,509.7
(b) Contractual services	26.0	206.3	232.3
(c) Other	205.3	388.0	593.3

Authorized FTE: 33.70 Permanent; 3.00 Term

(5) New Mexico public accountancy board:

The purpose of the public accountancy board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a) Personal services and			
employee benefits	298.0	298.0	
(b) Contractual services		17.0	17.0
(c) Other	125.3	125.3	

(d)	Other financing uses	69.3	69.3
-----	----------------------	------	------

Authorized FTE: 5.00 Permanent

(6) Board of acupuncture and oriental medicine:

The purpose of the acupuncture and oriental medicine board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	168.2	168.2
(b)	Contractual services	19.2	19.2
(c)	Other 21.0	21.0	
(d)	Other financing uses	17.7	17.7

Authorized FTE: 3.20 Permanent

(7) New Mexico athletic commission:

The purpose of the New Mexico athletic commission program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	78.2	78.2
(b)	Contractual services	9.0	9.0
(c)	Other 29.0	29.0	
(d)	Other financing uses	24.6	24.6

Authorized FTE: 1.00 Permanent

(8) Athletic trainer practice board:

The purpose of the athletic trainer practice board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	11.0	11.0
(b)	Contractual services	0.5	0.5
(c)	Other	5.0	5.0
(d)	Other financing uses	4.5	4.5

Authorized FTE: .20 Permanent

(9) Board of barbers and cosmetologists:

The purpose of the barbers and cosmetology board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	606.5	606.5
(b)	Contractual services	45.0	45.0
(c)	Other	102.0	102.0
(d)	Other financing uses	148.4	148.4

Authorized FTE: 11.90 Permanent

(10) Chiropractic board:

The purpose of the chiropractic board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	122.0	122.0
(b)	Contractual services	1.6	1.6

(c)	Other	17.8	17.8	
(d)	Other financing uses		20.0	20.0

Authorized FTE: 2.10 Permanent

(11) Counseling and therapy practice board:

The purpose of the counseling and therapy practice board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	248.0	248.0	
(b)	Contractual services	15.5		15.5
(c)	Other	84.4	84.4	
(d)	Other financing uses	68.7		68.7

Authorized FTE: 5.90 Permanent

(12) New Mexico board of dental health care:

The purpose of the dental health care board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	271.0	271.0	
(b)	Contractual services	22.0		22.0
(c)	Other	64.2	64.2	
(d)	Other financing uses	67.3		67.3

Authorized FTE: 4.90 Permanent

(13) Interior design board:

The purpose of the interior design board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and			
	employee benefits	11.0		11.0
(b)	Other	9.1	9.1	
(c)	Other financing uses		8.3	8.3

Authorized FTE: .20 Permanent

(14) Board of landscape architects:

The purpose of the landscape architects board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and			
	employee benefits	15.7		15.7
(b)	Contractual services		1.0	1.0
(c)	Other	10.2	10.2	
(d)	Other financing uses		6.2	6.2

Authorized FTE: .30 Permanent

(15) Massage therapy board:

The purpose of the massage therapy board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and			
	employee benefits	158.4		158.4
(b)	Contractual services		17.0	17.0

(c)	Other	45.4	45.4	
(d)	Other financing uses		39.5	39.5

Authorized FTE: 3.50 Permanent

(16) Board of nursing home administrators:

The purpose of the nursing home administrators board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	25.9	25.9	
(b)	Contractual services	0.2		0.2
(c)	Other	8.2	8.2	
(d)	Other financing uses	8.9		8.9

Authorized FTE: .60 Permanent

(17) Nutrition and dietetics practice board:

The purpose of the nutrition and dietetics practice board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	20.2	20.2	
(b)	Other	10.2	10.2	
(c)	Other financing uses	4.8		4.8

Authorized FTE: .30 Permanent

(18) Board of examiners for occupational therapy:

The purpose of the examiners for occupational therapy board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and		
	employee benefits	46.2	46.2
(b)	Contractual services	2.0	2.0
(c)	Other	15.2	15.2
(d)	Other financing uses	10.9	10.9

Authorized FTE: .60 Permanent

(19) Board of optometry:

The purpose of the optometry board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and		
	employee benefits	36.3	36.3
(b)	Contractual services	11.5	11.5
(c)	Other	12.9	12.9
(d)	Other financing uses	11.0	11.0

Authorized FTE: .80 Permanent

(20) Board of osteopathic medical examiners:

The purpose of the osteopathic medical examiners board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and		
	employee benefits	44.6	44.6

(b)	Contractual services	2.0	2.0
(c)	Other	24.3	24.3
(d)	Other financing uses	9.9	9.9

Authorized FTE: 1.00 Permanent

(21) Board of pharmacy:

The purpose of the pharmacy board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	1,004.2	1,004.2
(b)	Contractual services	20.5	20.5
(c)	Other	242.3	242.3
(d)	Other financing uses	265.3	265.3

Authorized FTE: 12.00 Permanent

(22) Physical therapy board:

The purpose of the physical therapy board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	84.3	84.3
(b)	Contractual services	3.0	3.0
(c)	Other	26.4	26.4
(d)	Other financing uses	20.7	20.7

Authorized FTE: .60 Permanent

(23) Board of podiatry:

The purpose of the podiatry board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and		
	employee benefits	18.8	18.8
(b)	Contractual services	0.5	0.5
(c)	Other	10.3	10.3
(d)	Other financing uses	5.3	5.3

Authorized FTE: .30 Permanent

(24) Private investigations advisory board:

The purpose of the private investigations advisory board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and		
	employee benefits	89.0	89.0
(b)	Contractual services	5.0	5.0
(c)	Other	27.3	27.3
(d)	Other financing uses	25.5	25.5

Authorized FTE: 1.40 Permanent

(25) New Mexico state board of psychologist examiners:

The purpose of the psychologist examiners board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and		
	employee benefits	118.7	118.7

(b)	Contractual services	20.0	20.0
(c)	Other	38.1	38.1
(d)	Other financing uses	36.0	36.0

Authorized FTE: 2.30 Permanent

(26) Real estate appraisers board:

The purpose of the real estate appraisers board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	110.2	110.2
(b)	Contractual services	11.5	11.5
(c)	Other	30.6	30.6
(d)	Other financing uses	28.0	28.0

Authorized FTE: 2.10 Permanent

(27) New Mexico real estate commission:

The purpose of the real estate commission program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	604.7	604.7
(b)	Contractual services	251.5	251.5
(c)	Other	244.8	244.8
(d)	Other financing uses	364.2	364.2

Authorized FTE: 9.00 Permanent

(28) Advisory board of respiratory care practitioners:

The purpose of the respiratory care practitioners advisory board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and		
	employee benefits	51.3	51.3
(b)	Other	5.8	5.8
(c)	Other financing uses	11.2	11.2

Authorized FTE: .80 Permanent

(29) Board of social work examiners:

The purpose of the social work examiners board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and		
	employee benefits	241.5	241.5
(b)	Contractual services	7.3	7.3
(c)	Other	69.1	69.1
(d)	Other financing uses	52.4	52.4

Authorized FTE: 5.00 Permanent

(30) Speech language pathology, audiology and hearing aid dispensing practices board:

The purpose of the speech language pathology, audiology and hearing aid dispensing practices board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and		
	employee benefits	119.0	119.0
(b)	Contractual services	7.7	7.7

(c)	Other	19.2	19.2	
(d)	Other financing uses		24.9	24.9

Authorized FTE: 2.00 Permanent

(31) Board of thanatopractice:

The purpose of the thanatopractice board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits		82.7	82.7
(b)	Contractual services		7.9	7.9
(c)	Other	33.4	33.4	
(d)	Other financing uses		19.7	19.7

Authorized FTE: 1.80 Permanent

(32) Naprapathic practice board:

The purpose of the naprapathic practice board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Other	5.4	5.4	
-----	-------	-----	-----	--

(33) Animal sheltering services board:

The purpose of the animal sheltering board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	58.8		58.8
(b)	Contractual services		26.2	26.2
(c)	Other	6.1	6.1	

Authorized FTE: 2.00 Permanent

(34) Signed language interpreting practices board:

The purpose of the signed language interpreting practices board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and			
	employee benefits	49.6	42.9	92.5
(b)	Contractual services		8.0	8.0
(c)	Other	39.0	39.0	
(d)	Other financing uses		20.9	20.9

Authorized FTE: 1.40 Permanent

Subtotal 25,175.0

PUBLIC REGULATION COMMISSION:

(1) Policy and regulation:

The purpose of the policy and regulation program is to fulfill the constitutional and legislative mandates regarding regulated industries through rulemaking, adjudications and policy initiatives to ensure the provisions of adequate and reliable services at fair, just and reasonable rates so that the interests of the consumers and regulated industries are balanced to promote and protect the public interest.

Appropriations:

(a)	Personal services and			
	employee benefits	6,161.0	479.0	6,640.0
(b)	Contractual services	205.3		205.3
(c)	Other	745.2	745.2	

Authorized FTE: 83.70 Permanent

The internal service funds/interagency transfers appropriation to the policy and regulation program of the public regulation commission in the personal services and employee benefits category includes one hundred fourteen thousand one hundred dollars (\$114,100) from the pipeline safety fund, two hundred

nineteen thousand nine hundred dollars (\$219,900) from the insurance operations fund, seventy thousand dollars (\$70,000) from the patient's compensation fund, twenty-five thousand dollars (\$25,000) from the fire protection fund and fifty thousand dollars (\$50,000) from the public regulation commission reproduction fund.

Performance measures:

(a) Efficiency: Average number of days for a rate case to reach final order <210

(b) Outcome: Comparison of average commercial electric rates between

major New Mexico utilities and selected utilities in

regional western states +/-4%

(c) Explanatory: The amount of kilowatt hours of renewable energy provided

annually by New Mexico's electric utilities, measured as a

percent of total retail kilowatt hours sold by New Mexico's

electric utilities to New Mexico's retail electric utility

customers 6%

(d) Explanatory: Comparison of average residential electric rates between

major New Mexico utilities and selected utilities in

regional western states +/-5%

(2) Insurance policy:

The purpose of the insurance policy program is to assure easy public access to reliable insurance products that meet consumers' needs and are underwritten by dependable, reputable, financially sound companies that charge fair rates and are represented by trustworthy, qualified agents, while promoting a positive competitive business climate.

Appropriations:

(a) Personal services and

employee benefits	5,797.1	5,797.1
-------------------	---------	---------

(b) Contractual services	327.5	327.5
--------------------------	-------	-------

(c) Other	658.5	658.5
-----------	-------	-------

Authorized FTE: 86.00 Permanent

The internal service funds/interagency transfers appropriations to the insurance policy program of the public regulation commission include forty-two thousand eight hundred dollars (\$42,800) from the title insurance maintenance assessment fund, one hundred three thousand six hundred dollars (\$103,600) from the insurance fraud fund, two hundred forty-two thousand dollars (\$242,000) from the patient's compensation fund, and five million sixteen thousand five hundred dollars (\$5,016,500) from the insurance operations fund.

The internal service funds/interagency transfers appropriations to the insurance policy program of the public regulation commission include one million sixty-two thousand six hundred dollars (\$1,062,600) for the insurance fraud bureau from the insurance fraud fund.

The internal service funds/interagency transfers appropriations to the insurance policy program of the public regulation commission include three hundred fifteen thousand six hundred dollars (\$315,600) for the title insurance bureau from the title insurance maintenance assessment fund.

Performance measures:

(a) Output: Percent of internal and external insurance-related

grievances closed within one hundred eighty days of filing 97%

(b) Efficiency: Percent of insurance fraud bureau complaints processed and

recommended for either further administrative action or

closure within sixty days 86%

(3) Public safety:

The purpose of the public safety program is to provide services and resources to the appropriate entities to enhance their ability to protect the public from fire and pipeline hazards and other risk as assigned to the public regulation commission.

Appropriations:

(a) Personal services and

employee benefits	3,255.5	354.4	3,609.9
-------------------	---------	-------	---------

(b) Contractual services

345.0	14.0	359.0
-------	------	-------

(c) Other

1,597.7	205.1	1,802.8
---------	-------	---------

Authorized FTE: 53.30 Permanent; 1.00 Term

The internal service funds/interagency transfers appropriations to the public safety program of the public regulation commission include two million five hundred thirty-six thousand eight hundred dollars (\$2,536,800) for the office of the state fire marshal from the fire protection fund.

The internal service funds/interagency transfers appropriations to the public safety program of the public regulation commission include one million six hundred seventy thousand dollars (\$1,670,000) for the firefighter training academy from the fire protection fund.

The internal service funds/interagency transfers appropriations to the public safety program of the public regulation commission include nine hundred thirty thousand dollars (\$930,000) for the pipeline safety bureau from the pipeline safety fund.

Performance measures:

(a) Output: Number of personnel completing training through the state

firefighter training academy 4,050

(b) Outcome: Percent of fire departments' insurance service office

ratings of nine or ten that have been reviewed by survey or
audit 96%

(c) Outcome: Percent of statewide fire districts with insurance office

ratings of eight or better 65%

(4) Program support:

The purpose of program support is to provide administrative support and direction to ensure consistency, compliance, financial integrity and fulfillment of the agency mission.

Appropriations:

(a) Personal services and

employee benefits 2,317.0 667.6 2,984.6

(b) Contractual services 94.5 94.5

(c) Other 436.9 436.9

Authorized FTE: 49.00 Permanent

The internal service funds/interagency transfers appropriations to program support of the public regulation commission include ninety-three thousand four hundred dollars (\$93,400) from the insurance fraud fund, three hundred thirty-six thousand dollars (\$336,000) from the fire protection fund, forty-four thousand dollars (\$44,000) from the title insurance maintenance assessment fund, sixty-five thousand dollars

(\$65,000) from the public regulation commission reproduction fund, ninety-nine thousand two hundred dollars (\$99,200) from the patient's compensation fund and thirty thousand dollars (\$30,000) from the insurance operations fund.

(5) Patient's compensation fund:

Appropriations:

(a)	Personal services and employee benefits	62.9	62.9
(b)	Contractual services	435.0	435.0
(c)	Other	10,050.0	10,050.0
(d)	Other financing uses	281.3	281.3

Authorized FTE: 1.00 Term

Subtotal 34,490.5

MEDICAL BOARD:

(1) Licensing and certification:

The purpose of the licensing and certification program is to provide regulation and licensure to healthcare providers regulated by the New Mexico medical board and to ensure competent and ethical medical care to consumers.

Appropriations:

(a)	Personal services and employee benefits	1,043.5	1,043.5
(b)	Contractual services	311.5	311.5
(c)	Other	298.7	298.7

Authorized FTE: 14.00 Permanent

Performance measures:

- (a) Output: Number of triennial physician licenses issued or renewed 3,100
- (b) Output: Number of biennial physician assistant licenses issued or

renewed 230

(c) Outcome: Number of days to issue a physician license 80

Subtotal 1,653.7

BOARD OF NURSING:

(1) Licensing and certification:

The purpose of the licensing and certification program is to provide regulations to nurses, hemodialysis technicians, medication aides and their education and training programs so they provide competent and professional healthcare services to consumers.

Appropriations:

(a) Personal services and

employee benefits 1,163.3 1,163.3

(b) Contractual services 222.9 222.9

(c) Other 981.6 981.6

Authorized FTE: 19.00 Permanent

Performance measures:

(a) Quality: Number of licenses issued 14,000

(b) Efficiency: Number of months to resolution of disciplinary matter 6

(c) Efficiency: Number of days to issue a nurse license 14

Subtotal 2,367.8

NEW MEXICO STATE FAIR:

The purpose of the state fair program is to promote the New Mexico state fair as a year-round operation with venues, events and facilities that provide for greater use of the assets of the agency.

Appropriations:

(a) Personal services and

employee benefits 90.0 6,394.9 6,484.9

(b)	Contractual services	215.0	3,418.1	3,633.1
(c)	Other 90.0	2,980.5	695.0	3,765.5

Authorized FTE: 73.00 Permanent

The internal service funds/interagency transfers appropriation to the New Mexico state fair in the other category includes six hundred ninety-five thousand dollars (\$695,000) from parimutuel revenues for debt service on negotiable bonds issued for capital improvements.

The general fund appropriations to the New Mexico state fair include three hundred ninety-five thousand dollars (\$395,000) for the operation of the African-American performing arts center and exhibit hall at the New Mexico state fair.

Performance measures:

(a) Outcome: Percent of surveyed attendees at the annual state fair

event rating their experience as satisfactory or better 90%

(b) Output: Number of paid attendees at annual state fair event 500,000

(c) Output: Percent of surveyed attendees at the annual state fair

event indicating the state fair has improved 45%

(d) Output: Number of total attendees at annual state fair event 650,000

Subtotal 13,883.5

STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL SURVEYORS:

(1) Regulation and licensing:

The purpose of the regulation and licensing program is to regulate the practices of engineering and surveying in the state as they relate to the welfare of the public in safeguarding life, health and property and to provide consumers with licensed professional engineers and licensed professional surveyors.

Appropriations:

(a) Personal services and

employee benefits 511.1 511.1

(b) Contractual services 64.6 64.6

(c) Other 222.6 222.6

Authorized FTE: 7.00 Permanent

Performance measures:

(a) Output: Number of licenses or certifications issued 800

Subtotal 798.3

GAMING CONTROL BOARD:

(1) Gaming control:

The purpose of the gaming control board program is to provide strictly regulated gaming activities and to promote responsible gaming to the citizens of New Mexico so they can attain a strong level of confidence in the board's administration of gambling laws and assurance that the state has competitive gaming that is free from criminal and corruptive elements and influences.

Appropriations:

(a) Personal services and employee benefits	4,049.9	4,049.9
(b) Contractual services	731.9	731.9
(c) Other	967.2	967.2

Authorized FTE: 63.00 Permanent; .50 Temporary

Performance measures:

(a) Quality: Percent of time central monitoring system is operational 100%

(b) Output: Percent variance identified between actual tribal quarterly
payments to the state and the audited revenue sharing as
calculated by the gaming control board for the current
calendar year <10%

(c) Outcome: Ratio of gaming revenue generated to general funds expended 28:1

Subtotal 5,749.0

STATE RACING COMMISSION:

(1) Horse racing regulation:

The purpose of the horse racing regulation program is to provide regulation in an equitable manner to New Mexico's parimutuel horse racing industry and to protect the interest of wagering patrons and the state of New Mexico in a manner that promotes a climate of economic prosperity for horsemen, horse owners and racetrack management.

Appropriations:

(a)	Personal services and		
	employee benefits	1,227.9	1,227.9
(b)	Contractual services	749.5	749.5
(c)	Other	202.0	202.0

Authorized FTE: 17.30 Permanent; .60 Term; 1.80 Temporary

Performance measures:

(a) Outcome: Percent of equine samples testing positive for illegal

substances 0.8%

(b) Output: Total amount collected from parimutuel revenues, in millions \$0.9

Subtotal 2,179.4

BOARD OF VETERINARY MEDICINE:

(1) Veterinary licensing and regulatory:

The purpose of the veterinary licensing and regulatory program is to regulate the profession of veterinary medicine in accordance with the Veterinary Practice Act and to promote continuous improvement in veterinary practices and management in order to protect the public.

Appropriations:

(a)	Personal services and		
	employee benefits	149.4	149.4
(b)	Contractual services	127.0	127.0
(c)	Other	53.5	53.5

Authorized FTE: 3.00 Permanent

Performance measures:

(a) Output: Number of veterinarian licenses issued annually 31

Subtotal 329.9

CUMBRES AND TOLTEC SCENIC RAILROAD COMMISSION:

The purpose of the Cumbres and Toltec scenic railroad commission is to provide railroad excursions through, into and over the scenic San Juan mountains.

Appropriations:

(a) Personal services and

employee benefits 55.0 64.1 119.1

(b) Contractual services 7.0 3,553.3 3,560.3

(c) Other 32.2 40.0 72.2

Authorized FTE: 2.90 Permanent

Any revenues generated by the Cumbres and Toltec scenic railroad commission in fiscal year 2011, such as ticket sales, are appropriated to the Cumbres and Toltec scenic railroad commission for use toward operating expenses of the railroad.

Subtotal 3,751.6

OFFICE OF MILITARY BASE PLANNING AND SUPPORT:

The purpose of the office of military base planning and support is to provide advice to the governor and lieutenant governor on New Mexico's four military installations, to work with community support groups, to ensure that state initiatives are complementary of community actions and to identify and address appropriate state-level issues that will contribute to the long-term viability of New Mexico military installations.

Appropriations:

(a) Personal services and

employee benefits 110.4 110.4

(b) Contractual services 8.5 8.5

(c) Other 18.5 18.5

Authorized FTE: 1.00 Term

Subtotal 137.4

SPACEPORT AUTHORITY:

The purpose of the spaceport authority is to finance, design, develop, construct, equip and safely operate spaceport America and thereby generate significant high technology economic development throughout the state.

Appropriations:

- (a) Personal services and
employee benefits 789.9 789.9
- (b) Contractual services 194.1 194.1
- (c) Other 190.5 190.5

Authorized FTE: 9.00 Permanent

Performance measures:

- (a) Outcome: Annual aerospace jobs created due to spaceport authority
efforts 200

Subtotal 1,174.5

TOTAL COMMERCE AND INDUSTRY 52,009.6 46,185.4 16,690.0 680.5
115,565.5

E. AGRICULTURE, ENERGY AND NATURAL RESOURCES

CULTURAL AFFAIRS DEPARTMENT:

(1) Museums and monuments:

The purpose of the museums and monuments program is to develop and enhance the quality of state museums and monuments by providing the highest standards in exhibitions, performances and programs showcasing the arts, history and science of New Mexico and cultural traditions worldwide.

Appropriations:

- (a) Personal services and
employee benefits 15,421.6 2,452.7 91.9 17,966.2
- (b) Contractual services 518.5 537.7 190.0 1,246.2

(c) Other 4,445.9 1,379.7 15.0 5,840.6

Authorized FTE: 322.00 Permanent; 39.00 Term

The general fund appropriation to the museums and monuments program of the cultural affairs department in the contractual services category includes thirty thousand dollars (\$30,000) for the Taylor Reynolds Barela Mesilla state monument.

Performance measures:

(a) Output: Attendance to museum and monument exhibitions,
performances, films and other presenting programs 845,000

(b) Output: Number of participants to off-site educational, outreach
and special events related to museum missions 185,000

(c) Output: Number of participants at on-site educational, outreach and
special events related to museum missions 320,000

(2) Preservation:

The purpose of the preservation program is to identify, study and protect New Mexico's unique cultural resources, including its archaeological sites, architectural and engineering achievements, cultural landscapes and diverse heritage.

Appropriations:

(a) Personal services and
employee benefits 737.3 1,479.7 1,211.9 816.9 4,245.8

(b) Contractual services 12.0 14.9 182.9 60.0 269.8

(c) Other 106.1 179.4 163.3 75.7 524.5

Authorized FTE: 31.00 Permanent; 29.50 Term; 6.00 Temporary

The internal service funds/interagency transfers appropriations to the preservation program of the cultural affairs department include one million dollars (\$1,000,000) from the department of transportation for archaeological studies related to highway projects.

Performance measures:

(a) Output: Number of participants in educational, outreach and special

events related to preservation mission 15,000

(b) Output: Annually completed number of historic structures preserved,

using preservation tax credits 48

(c) Output: Dollar value of construction underway on historic buildings

using state and federal tax credits, in millions \$5

(3) Library services:

The purpose of the library services program is to empower libraries to support the educational, economic and health goals of their communities and to deliver direct library and information services to those who need them.

Appropriations:

(a) Personal services and

employee benefits	2,071.1	720.8	2,791.9
-------------------	---------	-------	---------

(b) Contractual services	750.6	46.8	425.0	1,222.4
--------------------------	-------	------	-------	---------

(c) Other	1,149.7	35.0	636.2	1,820.9
-----------	---------	------	-------	---------

Authorized FTE: 39.00 Permanent; 13.00 Term

Performance measures:

(a) Output: Total number of library materials catalogued in systemwide

access to libraries in state agencies and keystone library

automation system online databases, available through the

internet 900,000

(b) Output: Number of participants in educational, outreach and special

events related to library mission 19,500

(4) Arts:

The purpose of the arts program is to preserve, enhance and develop the arts in New Mexico through partnerships, public awareness and education.

Appropriations:

(a)	Personal services and employee benefits	861.6	145.1	1,006.7
(b)	Contractual services	860.3	406.9	1,267.2
(c)	Other	129.6	1.1	130.7

Authorized FTE: 11.50 Permanent; 4.50 Term

Performance measures:

- (a) Output: Number of clients provided professional development training in arts industry 3,450
- (b) Output: Attendance at programs provided by arts organizations statewide, funded by New Mexico arts from recurring appropriations 1,200,000
- (c) Output: Number of musicians, music groups and businesses supporting the music industry who have registered on the nmmusic.org website 1,250
- (d) Output: Number of participants in educational and outreach programs and workshops, including participants from rural areas 3,000

(5) Program support:

The purpose of program support is to deliver effective, efficient, high-quality services in concert with the core agenda of the governor.

Appropriations:

(a)	Personal services and employee benefits	2,987.8	112.0	3,099.8
(b)	Contractual services	660.6	26.9	687.5

(c) Other 162.5 117.6 280.1

Authorized FTE: 42.70 Permanent; 2.00 Temporary

Any unexpended balances in the cultural affairs department remaining at the end of fiscal year 2011 from appropriations made from the general fund shall not revert.

The general fund appropriation to program support of the cultural affairs department in the contractual services category includes two hundred sixty-five thousand dollars (\$265,000) for the New Mexico centennial.

Performance measures:

(a) Outcome: Percent of performance targets in the General Appropriation

Act, met (excluding this measure) 80%

(b) Output: Percent of department supervisory and managerial staff that

completes targeted professional development training 5%

Subtotal 42,400.3

NEW MEXICO LIVESTOCK BOARD:

(1) Livestock inspection:

The purpose of the livestock inspection program is to protect the livestock industry from loss of livestock by theft or straying and to help control the spread of dangerous diseases of livestock.

Appropriations:

(a) Personal services and

employee benefits 586.9 3,414.2 4,001.1

(b) Contractual services 151.7 151.7

(c) Other 860.6 860.6

Authorized FTE: 67.00 Permanent

Performance measures:

(a) Efficiency: Average percentage of investigation findings completed

within one month 60%

(b) Output: Number of road stops per month 75

(c) Outcome: Number of livestock thefts reported per one thousand head

inspected 1

(d) Outcome: Number of disease cases per one thousand head inspected .05

(2) Administration:

The purpose of the administration program is to provide administrative and logistical services to employees.

Appropriations:

(a) Personal services and

employee benefits 82.9 531.3 614.2

(b) Contractual services 37.4 37.4

(c) Other 106.0 106.0

Authorized FTE: 8.00 Permanent

Subtotal 5,771.0

DEPARTMENT OF GAME AND FISH:

(1) Sport hunting and fishing:

The purpose of the sport hunting and fishing program is to provide a statewide system for hunting activities as well as self-sustaining and hatchery-supported fisheries taking into account hunter safety, quality hunts, high demand areas, guides and outfitters, quotas and assuring that local and financial interests receive consideration.

Appropriations:

(a) Personal services and

employee benefits 8,135.3 5,201.5 13,336.8

(b) Contractual services 895.4 495.3 1,390.7

(c) Other 4,100.1 1,996.3 6,096.4

(d) Other financing uses 124.4 372.9 497.3

Authorized FTE: 197.00 Permanent; 2.00 Term; 1.50 Temporary

Performance measures:

(a) Outcome: Number of days of elk hunting opportunity provided to New

Mexico resident hunters on an annual basis 165,000

(b) Outcome: Percent of public hunting licenses drawn by New Mexico

resident hunters 80%

(c) Output: Annual output of fish from the department's hatchery

system, in pounds 455,000

(d) Outcome: Percent of anglers satisfied with opportunity and success 80%

(e) Output: Acres of accessible sportsperson opportunity through the

open gate program 60,000

(2) Conservation services:

The purpose of the conservation services program is to provide information and technical guidance to any person wishing to conserve and enhance wildlife habitat and recover indigenous species of threatened and endangered wildlife.

Appropriations:

(a) Personal services and

employee benefits	1,614.9	1,000.8	2,615.7
-------------------	---------	---------	---------

(b) Contractual services	1,174.3	689.6	1,863.9
--------------------------	---------	-------	---------

(c) Other	2,097.3	1,231.8	3,329.1
-----------	---------	---------	---------

Authorized FTE: 32.00 Permanent; 8.00 Term; .50 Temporary

Performance measures:

(a) Outcome: Number of acres of wildlife habitat conserved, enhanced or

positively affected statewide 100,000

(b) Output: Number of recreational days of access provided by the

gaining access into nature project 10,000

(c) Output: Number of state threatened and endangered species studied

and conserved through recovery planning and the

comprehensive wildlife conservation strategy for New Mexico 35

(3) Wildlife depredation and nuisance abatement:

The purpose of the wildlife depredation and nuisance abatement program is to provide complaint administration and intervention processes to private landowners, leaseholders and other New Mexicans so they may be relieved of and precluded from property damage, annoyances or risks to public safety caused by protected wildlife.

Appropriations:

(a) Personal services and

employee benefits	285.8	285.8
-------------------	-------	-------

(b) Contractual services	130.7	130.7
--------------------------	-------	-------

(c) Other	639.3	639.3
-----------	-------	-------

Authorized FTE: 4.00 Permanent

Performance measures:

(a) Outcome: Percent of depredation complaints resolved within the

mandated one-year timeframe 95%

(4) Program support:

The purpose of program support is to provide an adequate and flexible system of direction, oversight, accountability and support to all divisions so they may successfully attain planned outcomes for all department programs.

Appropriations:

(a) Personal services and

employee benefits	4,220.3	162.5	4,382.8
-------------------	---------	-------	---------

(b) Contractual services	695.7	695.7
--------------------------	-------	-------

(c) Other	3,061.7	143.0	3,204.7
-----------	---------	-------	---------

Authorized FTE: 60.00 Permanent

Subtotal 38,468.9

ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT:

(1) Renewable energy and energy efficiency:

The purpose of the renewable energy and energy efficiency program is to develop and implement clean energy programs in order to decrease per capita energy consumption, use New Mexico's substantial renewable energy resources, minimize local, regional and global air emissions, lessen dependence on foreign oil and reduce in-state water demands associated with fossil-fueled electrical generation.

Appropriations:

(a)	Personal services and			
	employee benefits	999.2	178.6	1,177.8
(b)	Contractual services	7.8	5.0	12.8
(c)	Other	52.9	10.8	63.7

Authorized FTE: 13.00 Permanent; 2.00 Term

Performance measures:

- (a) Outcome: Percent reduction in energy use in public facilities receiving energy efficiency retrofit projects through the Energy Efficiency and Renewable Energy Bonding Act, the Public Facility Energy Efficiency and Water Conservation Act or the clean energy projects program 10%
- (b) Output: Number of inventoried clean energy projects evaluated annually 50
- (c) Outcome: Percent of retail electricity sales from investor-owned utilities in New Mexico from renewable energy sources 10%

(2) Healthy forests:

The purpose of the healthy forests program is to promote the health of New Mexico's forest lands by managing wildfires, mitigating urban-interface fire threats and providing stewardship of private and state forest lands and associated watersheds.

Appropriations:

(a)	Personal services and				
	employee benefits	2,986.8	168.1	1,255.7	4,410.6
(b)	Contractual services	123.2	2.0	569.9	695.1
(c)	Other	420.1	373.1	2,922.1	3,715.3

Authorized FTE: 58.00 Permanent; 11.00 Term

Performance measures:

- (a) Output: Number of nonfederal wildland firefighters provided
professional and technical incident command system training 500
- (b) Outcome: Percent of at-risk communities participating in
collaborative wildfire protection planning 25%
- (c) Output: Number of acres restored in New Mexico's forests and
watersheds 8,000

(3) State parks:

The purpose of the state parks program is to create the best recreational opportunities possible in state parks by preserving cultural and natural resources, continuously improving facilities and providing quality, fun activities and to do it all efficiently.

Appropriations:

(a)	Personal services and				
	employee benefits	9,172.8	3,296.8	609.0	13,078.6
(b)	Contractual services	210.4	169.7	3,800.3	4,180.4
(c)	Other	1,217.8	6,007.7	2,617.0	3,669.7
(d)	Other financing uses		2,465.8		2,465.8

Authorized FTE: 233.00 Permanent; 6.00 Term; 48.00 Temporary

Performance measures:

- (a) Explanatory: Self-generated revenue per visitor, in dollars \$0.87
- (b) Output: Number of interpretive programs available to park visitors 2,600
- (c) Explanatory: Number of visitors to state parks 4,000,000
- (4) Mine reclamation:

The purpose of the mine reclamation program is to implement the state laws that regulate the operation and reclamation of hard rock and coal mining facilities and to reclaim abandoned mine sites.

Appropriations:

- (a) Personal services and
employee benefits 508.8 655.2 1,723.8 2,887.8
- (b) Contractual services 45.3 32.7 3,728.3 3,806.3
- (c) Other 25.3 111.3 349.5 486.1

Authorized FTE: 17.00 Permanent; 15.00 Term

Performance measures:

- (a) Output: Percent of abandoned uranium mines with current site
assessments 50%
- (b) Outcome: Percent of permitted mines with approved reclamation plans
and adequate financial assurance posted to cover the cost
of reclamation 100%

(5) Oil and gas conservation:

The purpose of the oil and gas conservation program is to assure the conservation and responsible development of oil and gas resources through professional, dynamic regulation.

Appropriations:

- (a) Personal services and

	employee benefits	3,361.6	300.0	250.0	215.2	4,126.8
(b)	Contractual services	86.9	4,170.0		71.5	4,328.4
(c)	Other	583.7	65.3	119.9	20.0	788.9
(d)	Other financing uses				115.0	115.0

Authorized FTE: 57.00 Permanent; 5.00 Term

Performance measures:

(a) Output: Number of inspections of oil and gas wells and associated facilities 23,500

(b) Outcome: Percent increase in the amount of water diverted from disposal for other uses 10%

(6) Program leadership and support:

The purpose of program leadership and support is to provide leadership, set policy and provide support for every division in achieving their goals.

Appropriations:

(a)	Personal services and employee benefits	3,119.0		213.8	458.4	3,791.2
(b)	Contractual services				19.8	19.8
(c)	Other	271.4	271.4			
(d)	Other financing uses				1,487.4	1,487.4

Authorized FTE: 42.00 Permanent; 3.00 Term

Subtotal 65,421.4

YOUTH CONSERVATION CORPS:

The purpose of the youth conservation corps program is to provide funding for the employment of New Mexicans between the ages of fourteen and twenty-five to work on projects that will improve New Mexico's natural, cultural, historical and agricultural resources.

Appropriations:

(a)	Personal services and employee benefits	158.1	158.1	
(b)	Contractual services	2,986.4		2,986.4
(c)	Other	52.8	52.8	
(d)	Other financing uses	350.0	350.0	

Authorized FTE: 2.00 Permanent

Performance measures:

- (a) Output: Number of youth employed annually 800
- (b) Outcome: Percent of projects completed within one year 95%

Subtotal 3,547.3

INTERTRIBAL CEREMONIAL OFFICE:

The purpose of the intertribal ceremonial office is to aid in the planning, coordination and development of an intertribal ceremonial event in coordination with the Native American population in order to host a successful event.

Appropriations:

(a)	Contractual services	88.1	88.1	
-----	----------------------	------	------	--

Performance measures:

- (a) Output: Number of intertribal ceremonial tickets sold 7,000

Subtotal 88.1

COMMISSIONER OF PUBLIC LANDS:

(1) Land trust stewardship:

The purpose of the land trust stewardship program is to generate sustainable revenue from state trust lands to support public education and other beneficiary institutions and to build partnerships with all New Mexicans to conserve, protect and maintain the highest level of stewardship for these lands so that they may be a significant legacy for generations to come.

Appropriations:

(a)	Personal services and employee benefits	10,430.0	10,430.0
(b)	Contractual services	676.7	676.7
(c)	Other	1,849.4	1,849.4
(d)	Other financing uses	546.1	546.1

Authorized FTE: 153.00 Permanent

The commissioner of public lands is authorized to hold in suspense amounts received pursuant to agreements entered into for the sale of state royalty interests that, as a result of the sale, became eligible for tax credits under Section 29 of the Internal Revenue Code, above those amounts required by law to be transferred to the land grant permanent fund. The commissioner may expend as much of the money so held in suspense, as well as additional money held in escrow accounts resulting from the sales and money held in fund balance, as is necessary to repurchase the royalty interests pursuant to the agreements.

Performance measures:

- (a) Output: Total trust revenue generated, in millions \$299.7
- (b) Outcome: Bonus income per leased acre from oil and gas activities \$200
- (c) Outcome: Dollars generated through oil, natural gas and mineral
audit activities, in millions \$1.5
- (d) Output: Average income per acre from oil, natural gas and mineral
activities \$150
- (e) Output: Average income per acre from agricultural leasing activities \$0.63
- (f) Output: Average income per acre from commercial leasing activities \$6.15
- (g) Output: Percent of total trust revenue generated allocated to
beneficiaries 95%

Subtotal 13,502.2

STATE ENGINEER:

(1) Water resource allocation:

The purpose of the water resource allocation program is to provide for efficient use of the available surface and underground waters of the state to any person so they can maintain their quality of life and to provide safety inspections of all nonfederal dams within the state and to owners and operators of such dams so they can operate the dams safely.

Appropriations:

(a) Personal services and

employee benefits	10,383.1	444.3	10,827.4
-------------------	----------	-------	----------

(b) Contractual services	132.7	1.3	564.5	698.5
--------------------------	-------	-----	-------	-------

(c) Other	234.3	117.7	1,203.2	1,555.2
-----------	-------	-------	---------	---------

Authorized FTE: 177.00 Permanent

The internal service funds/interagency transfers appropriations to the water resource allocation program of the state engineer include one hundred forty-seven thousand six hundred dollars (\$147,600) from the improvement of Rio Grande income fund and one million six hundred twenty thousand one hundred dollars (\$1,620,100) from the New Mexico irrigation works construction fund.

Performance measures:

(a) Output: Average number of unprotested new and pending applications

processed per month	65
---------------------	----

(b) Explanatory: Number of unprotested and unaggrieved water right

applications backlogged	597
-------------------------	-----

(c) Outcome: Number of transactions abstracted annually into the water

administration technical engineering resource system

database	22,000
----------	--------

(d) Outcome: Number of dams inspected per year to establish baseline 110

(2) Interstate stream compact compliance and water development:

The purpose of the interstate stream compact compliance and water development program is to provide resolution of federal and interstate water issues and to develop water resources and stream systems for the people of New Mexico so they can have maximum sustained beneficial use of available water resources.

Appropriations:

(a)	Personal services and					
	employee benefits	2,733.6	775.3	159.1	215.6	3,883.6
(b)	Contractual services			5,428.0		5,428.0
(c)	Other	45.0	3,537.1	61.4	3,643.5	

Authorized FTE: 48.00 Permanent

The internal service funds/interagency transfers appropriations to the interstate stream compact compliance and water development program of the state engineer include one million six hundred seventy-nine thousand one hundred dollars (\$1,679,100) from the improvement of Rio Grande income fund and seven million two hundred sixty-two thousand eight hundred dollars (\$7,262,800) from the New Mexico irrigation works construction fund.

The other state funds appropriations to the interstate stream compact compliance and water development program of the state engineer include seven hundred thousand three hundred dollars (\$700,300) from revenue received under the emergency drought water agreement and the conservation water agreement.

Revenue from the sale of water to United States government agencies by New Mexico for the emergency drought water agreement dated April 2003, which expires February 28, 2013, and from contractual reimbursements associated with state engineer use of the revenue is appropriated to the state engineer for the conservation and recovery of the listed species in the middle Rio Grande basin, including the optimizing of middle Rio Grande conservancy district operations.

Revenue from the sale of water to United States government agencies by New Mexico resulting from litigation settlement between New Mexico and the United States implemented by the conservation water agreement dated June 29, 2001, and from contractual reimbursements associated with state engineer use of the revenue is appropriated to the state engineer for use as required by the conservation water agreement.

The internal service funds/interagency transfers appropriations to the interstate stream compact compliance and water development program of the state engineer include one hundred thousand dollars (\$100,000) from the game protection fund for Ute dam operation. Any unexpended balances remaining at the end of fiscal year 2011 from this appropriation shall revert to the game protection fund.

The appropriations to the interstate stream compact compliance and water development program of the state engineer include one million nine hundred thousand dollars (\$1,900,000) to (a) match seventeen and one-half percent of the cost of work undertaken by the United States army corps of engineers pursuant to the federal Water Resources Development Act of 1986, provided that no amount of this appropriation shall be expended for any project unless the appropriate acequia system or community ditch has agreed to provide seven and one-half percent of the cost from any source other than the New Mexico irrigation works construction fund or improvement of Rio Grande income fund and provided that no more than two hundred fifty thousand dollars (\$250,000) shall be allocated to one acequia per fiscal year; and (b) for the construction, improvement, repair and protection from floods of dams, reservoirs, ditches, flumes and appurtenances of community ditches in the state through the interstate stream commission 80/20 program, provided that not more than one hundred twenty thousand dollars (\$120,000) of this appropriation shall be used for any one community ditch and that the state funds three hundred thousand dollars (\$300,000) for engineering services for approved acequia projects.

The interstate stream commission's authority to make loans for irrigation improvements includes five hundred thousand dollars (\$500,000) for loans to acequia, irrigation and conservancy districts. The interstate stream commission's authority also includes five hundred thousand dollars (\$500,000) for loans to irrigation districts, conservancy districts and soil and water conservation districts for re-loan to farmers for implementation of water conservation improvements.

The interstate stream commission's authority to make loans from the New Mexico irrigation works construction fund includes two million dollars (\$2,000,000) to irrigation districts, acequias, conservancy districts and soil and water conservation districts for purchase and installation of meters and measuring equipment. The maximum loan term is five years.

The internal service funds/interagency transfers appropriation to the interstate stream compact compliance and water development program of the state engineer in the other category include eighty-two thousand three hundred dollars (\$82,300) from the game protection fund for Eagle Nest dam operation. Any unexpended balances remaining at the end of fiscal year 2011 from this appropriation shall revert to the game protection fund.

Performance measures:

(a) Outcome: Cumulative state-line delivery credit per the Pecos river

compact and amended decree at the end of calendar year, in
 acre feet (final accounting will be available at end of
 fiscal year) 0

(b) Outcome: Rio Grande river compact accumulated delivery credit or

deficit at end of calendar year, in acre feet 0

(3) Litigation and adjudication:

The purpose of the litigation and adjudication program is to obtain a judicial determination and definition of water rights within each stream system and underground basin to effectively perform water rights administration and meet interstate stream obligations.

Appropriations:

(a) Personal services and

employee benefits	1,389.8	3,487.4	4,877.2
-------------------	---------	---------	---------

(b) Contractual services

1,466.5	1,466.5
---------	---------

(c) Other

359.1	359.1
-------	-------

Authorized FTE: 71.00 Permanent

The internal service funds/interagency transfers appropriations to the litigation and adjudication program of the state engineer include one million nine hundred thirteen thousand dollars (\$1,913,000) from the New Mexico irrigation works construction fund and three million four hundred thousand dollars (\$3,400,000) from the water project fund pursuant to Section 72-4A-9 NMSA 1978.

Performance measures:

(a) Outcome: Number of offers to defendants in adjudications 1,000

(b) Outcome: Percent of all water rights that have judicial

determinations 45%

(4) Program support:

The purpose of program support is to provide necessary administrative support to the agency programs so they may be successful in reaching their goals and objectives.

Appropriations:

(a)	Personal services and			
	employee benefits	3,499.8	97.9	3,597.7
(b)	Contractual services		167.5	167.5
(c)	Other	491.5	491.5	

Authorized FTE: 45.50 Permanent

The internal service funds/interagency transfers appropriations to program support of the state engineer include seven hundred fifty-six thousand nine hundred dollars (\$756,900) from the New Mexico irrigation works construction fund.

(5) New Mexico irrigation works construction fund:

Appropriations:

(a)	Other financing uses	11,552.8	11,552.8
-----	----------------------	----------	----------

(6) Improvement of Rio Grande income fund:

Appropriations:

(a)	Other financing uses	1,826.7	1,826.7
-----	----------------------	---------	---------

Subtotal 50,375.2

ORGANIC COMMODITY COMMISSION:

(1) New Mexico organic:

The purpose of the New Mexico organic program is to provide consumers of organic products in New Mexico with credible assurance about the veracity of organic claims made and to enhance the development of local economies tied to agriculture, through rigorous regulatory oversight of the organic industry in New Mexico and through ongoing educational and market assistance projects.

Appropriations:

(a)	Personal services and			
	employee benefits	25.0	70.9	95.9
(b)	Contractual services		108.7	108.7
(c)	Other	101.6	101.6	

Authorized FTE: 5.00 Permanent

Performance measures:

(a) Outcome: Percent increase in New Mexico organic market as measured
by clients' gross sales of organic products 10%

(b) Output: Percent of organic farms inspected annually 100%

Subtotal 306.2

TOTAL AGRICULTURE, ENERGY AND NATURAL RESOURCES	72,953.0	88,570.3	22,191.5	36,165.8
	219,880.6			

F. HEALTH, HOSPITALS AND HUMAN SERVICES

COMMISSION ON THE STATUS OF WOMEN:

(1) Status of women:

The purpose of the commission on the status of women program is to provide information, public events, leadership, support services and career development to individuals, agencies and women's organizations so they can improve the economic, health and social status of women in New Mexico.

Appropriations:

(a) Personal services and

	employee benefits	527.3	392.0	919.3
(b)	Contractual services	44.0	781.6	825.6
(c)	Other	173.4	60.0	266.4
			499.8	

Authorized FTE: 8.00 Permanent; 7.00 Term

The internal service funds/interagency transfers appropriations to the status of women program of the commission on the status of women include one million four hundred forty thousand dollars (\$1,440,000) for the teamworks program directed toward workforce development for adult women on temporary assistance for needy families from the federal block grant to New Mexico.

The other state funds appropriation to the status of women program of the commission on the status of women in the other category includes ten thousand dollars (\$10,000) from the women in transition fund to host conferences and seminars and associated expenses and fifty thousand dollars (\$50,000) from the commission on the status of women conference fund to host the governor's award for outstanding New Mexico women, the pioneer award, the trailblazer award and various conference booths.

Revenue collected from ticket sales in excess of expenses for conference, awards, seminars and summits shall not revert.

Performance measures:

(a)	Outcome: Percent of 12-month job retention of teamworks clients	60%
(b)	Output: Number of one-to-one coaching hours performed	200
	Subtotal	2,244.7

OFFICE OF AFRICAN AMERICAN AFFAIRS:

(1) Public awareness:

The purpose of the public awareness program is to provide information and advocacy services to all New Mexicans and to empower African-Americans of New Mexico to improve their quality of life.

Appropriations:

(a)	Personal services and		
	employee benefits	356.5	356.5
(b)	Contractual services	209.7	209.7
(c)	Other	179.4	179.4

Authorized FTE: 5.00 Permanent

Subtotal 745.6

COMMISSION FOR DEAF AND HARD-OF-HEARING PERSONS:

(1) Deaf and hard-of-hearing:

The purpose of the deaf and hard-of-hearing program is to serve as a dynamic resource that will enhance the quality of life for deaf and hard-of-hearing citizens of New Mexico by being the recognized advocate on important issues impacting the deaf and hard-of-hearing community; the proactive provider of innovative programs and services; and the statewide umbrella and information clearinghouse for interested individuals, organizations, agencies and institutions.

Appropriations:

(a)	Personal services and			
	employee benefits	971.1	971.1	
(b)	Contractual services	119.5	1,727.8	1,847.3
(c)	Other	292.8	292.8	
(d)	Other financing uses		576.8	576.8

Authorized FTE: 15.00 Permanent

The internal service funds/interagency transfers appropriation to the deaf and hard-of-hearing program of the commission for deaf and hard-of-hearing persons in the other financing uses category includes four hundred sixty-six thousand dollars (\$466,000) to transfer to the rehabilitation services program of the division of vocational rehabilitation to match with federal funds to provide deaf and hard-of-hearing rehabilitation services.

The internal service funds/interagency transfers appropriation to the deaf and hard-of-hearing program of the commission for deaf and hard-of-hearing persons in the other financing uses category includes one hundred ten thousand eight hundred dollars (\$110,800) to transfer to the signed language interpreting practices board program of the regulation and licensing department.

Performance measures:

(a) Output: Number of information referrals and outreach contacts 10,000

(b) Output: Number of accessible technology equipment distributions 920

(c) Output: Number of clients provided assistance to reduce or
eliminate communication barriers 1,300

Subtotal 3,688.0

MARTIN LUTHER KING, JR. COMMISSION:

The purpose of the Martin Luther King, Jr. commission is to promote Martin Luther King, Jr.'s nonviolent principles and philosophy to the people of New Mexico through remembrance, celebration and action so that everyone gets involved in making a difference toward the improvement of interracial cooperation and reduction of youth violence in our communities.

Appropriations:

(a)	Personal services and			
	employee benefits	189.5		189.5
(b)	Contractual services	42.0		42.0
(c)	Other	133.3	133.3	

Authorized FTE: 3.00 Permanent

Subtotal 364.8

COMMISSION FOR THE BLIND:

(1) Blind services:

The purpose of the blind services program is to assist blind or visually impaired citizens of New Mexico to achieve economic and social equality so they can have independence based on their personal interests and abilities.

Appropriations:

(a)	Personal services and				
	employee benefits	1,204.6	242.5	3,210.8	4,657.9
(b)	Contractual services	53.5	10.8	142.8	207.1
(c)	Other	753.7	151.8	2,009.0	2,914.5

Authorized FTE: 92.50 Permanent; 1.00 Term

Any unexpended balances in the blind services program of the commission for the blind remaining at the end of fiscal year 2011 from appropriations made from the general fund shall not revert.

Performance measures:

(a) Output: Number of quality employment opportunities obtained for

blind or visually impaired consumers 45

(b) Output: Number of blind or visually impaired consumers trained in the skills of blindness to enable them to live independently in their homes and communities 600

(c) Outcome: Average employment wage for the blind or visually impaired person \$15

(d) Output: Number of employment opportunities provided for blind business entrepreneurs in different vending and food facilities through the business enterprise program 32

Subtotal 7,779.5

INDIAN AFFAIRS DEPARTMENT:

(1) Indian affairs:

The purpose of the Indian affairs program is to coordinate intergovernmental and interagency programs concerning tribal governments and the state.

Appropriations:

(a) Personal services and employee benefits	1,224.5	1,224.5
(b) Contractual services	750.0	750.0
(c) Other	1,189.9 293.8	1,483.7

Authorized FTE: 15.00 Permanent

The other state funds appropriation to the Indian affairs program of the Indian affairs department in the other category includes two hundred ninety-three thousand eight hundred dollars (\$293,800) from the tobacco settlement program fund for tobacco cessation and prevention programs for Native American communities throughout the state.

Performance measures:

(a) Output: Number of capital projects over fifty thousand dollars

(\$50,000) completed and closed 75

(b) Output: Number of capital outlay projects under fifty thousand

dollars (\$50,000) completed and closed 80

Subtotal 3,458.2

AGING AND LONG-TERM SERVICES DEPARTMENT:

(1) Consumer and elder rights:

The purpose of the consumer and elder rights program is to provide current information, assistance, counseling, education and support to older individuals and persons with disabilities, residents of long-term care facilities and their families and caregivers that allow them to protect their rights and make informed choices about quality service.

Appropriations:

(a) Personal services and

employee benefits	676.0	54.7	744.2	1,474.9
-------------------	-------	------	-------	---------

(b) Contractual services	23.8	59.5	29.8	113.1
--------------------------	------	------	------	-------

(c) Other	140.5	50.7	246.0	437.2
-----------	-------	------	-------	-------

Authorized FTE: 18.50 Permanent; 7.00 Term

Performance measures:

(a) Output: Number of ombudsman complaints resolved 5,000

(b) Output: Percent of people accessing consumer and elder rights

programs in need of two or more daily living services who

receive information, referral and assistance 25%

(c) Output: Number of persons accessing the aging and long-term

services department's resource center 20,000

(d) Outcome: Percent of resident-requested transitions from nursing

homes to home- and community-based services that are

completed to the satisfaction of the resident within nine months from the request 100%

(2) Aging network:

The purpose of the aging network is to provide supportive social and nutrition services for older individuals and persons with disabilities so they can remain independent and involved in their communities and to provide training, education and work experience to older individuals so they can enter or re-enter the workforce and receive appropriate income and benefits.

Appropriations:

(a)	Personal services and employee benefits	88.4	33.6		122.0	
(b)	Contractual services		100.0	5.0	105.0	
(c)	Other	26,253.1	34.0	350.0	8,096.8	34,733.9
(d)	Other financing uses		187.6		187.6	

Authorized FTE: 1.00 Permanent; .50 Term

The general fund appropriation to the aging network program of the aging and long-term services department in the other category to supplement funding from the federal Older Americans Act shall be contracted to the designated area agencies on aging.

The general fund appropriation to the aging network program of the aging and long-term services department in the other category includes one hundred thousand dollars (\$100,000) for senior programs in Rio Arriba county.

The internal service funds/interagency transfers appropriation to the aging network program of the aging and long-term services department in the other category includes three hundred fifty thousand dollars (\$350,000) for the gold mentor program.

Any unexpended balances remaining at the end of fiscal year 2011 in other state funds from conference registration fees shall not revert.

Performance measures:

- (a) Outcome: Percent of individuals exiting from the federal older worker program who obtain unsubsidized employment 18.5%
- (b) Outcome: Percent of temporary assistance for needy families clients placed in meaningful employment 36%

(c) Output: Number of persons receiving aging network community services
75,000

(d) Outcome: Number of persons whose food insecurity is alleviated by
meals received through the aging network 25,000

(3) Long-term services:

The purpose of the long-term services program is to administer home- and community-based long-term service programs that support individuals in the least restrictive environment possible.

Appropriations:

(a) Personal services and				
employee benefits	1,788.2	1,625.0	111.6	3,524.8
(b) Contractual services	179.5	1,749.7	58.8	1,988.0
(c) Other	371.3	242.6	14.6	628.5
(d) Other financing uses	2,050.0			2,050.0

Authorized FTE: 54.00 Permanent; 5.00 Term

Performance measures:

(a) Outcome: Percent of total personal care option cases that are
consumer-directed 10.8%

(b) Outcome: Percent of disabled and elderly coordinated long-term
services waiver (formerly medicaid waiver) clients who
receive services within ninety days of eligibility
determination 90%

(c) Outcome: Average number of months that individuals are on the
coordinated long-term services c waiver (formerly disabled
and elderly waiver) registry prior to receiving an
allocation for services 60

(d) Outcome: Average annual cost per client in the coordinated long-term services program \$18,000

(e) Output: Number of individuals on the self-directed mi via waiver 800

(f) Output: Number of consumers who transition from nursing facilities placement to community-based services 135

(4) Adult protective services:

The purpose of the adult protective services program is to investigate allegations of abuse, neglect and exploitation of seniors and adults with disabilities and provide in-home support services to adults at high risk of repeat neglect.

Appropriations:

(a) Personal services and employee benefits	7,675.8		7,675.8
(b) Contractual services	915.2	2,498.6	3,413.8
(c) Other	2,135.4	2,135.4	

Authorized FTE: 139.00 Permanent

Performance measures:

(a) Output: Number of adults receiving adult protective services investigations of abuse, neglect or exploitation 6,250

(b) Outcome: Number of incapacitated adults who receive in-home services or interventions through adult protective services as a result of an investigation of abuse, neglect or exploitation 800

(c) Outcome: Percent of adult protective services investigations requiring emergency or priority response within twenty-four hours or less 10.5%

(5) Program support:

The purpose of program support is to provide clerical, record keeping and administrative support in the areas of personnel, budget, procurement and contracting to agency staff, outside contractors and external control agencies to implement and manage programs.

Appropriations:

(a)	Personal services and				
	employee benefits	3,628.6		565.3	4,193.9
(b)	Contractual services	141.5		15.6	157.1
(c)	Other	363.3	63.8	427.1	

Authorized FTE: 55.00 Permanent; 1.00 Term

Performance measures:

(a) Output: Percent of contractors assessed with no significant findings 100%

Subtotal 63,368.1

HUMAN SERVICES DEPARTMENT:

(1) Medical assistance:

The purpose of the medical assistance program is to provide the necessary resources and information to enable low-income individuals to obtain either free or low-cost health care.

Appropriations:

(a)	Personal services and				
	employee benefits	5,179.8		5,888.2	11,068.0
(b)	Contractual services	7,355.9	385.9	110.2	24,338.9
					32,190.9
(c)	Other	514,676.4	43,750.2	125,241.8	2,830,348.9
					3,514,017.3
(d)	Other financing uses	12,559.0	24,985.0	86.0	27,202.2
		64,832.2			

Authorized FTE: 149.50 Permanent; 11.00 Term

The other state funds appropriations to the medical assistance program of the human services department include one million five hundred thousand dollars (\$1,500,000) from the tobacco settlement program fund for the breast and cervical cancer treatment program and seven million six hundred fifty-five

thousand four hundred dollars (\$7,655,400) from the tobacco settlement program fund for other medicaid programs.

The other state funds appropriations to the medical assistance program of the human services department include twenty-two million two hundred eighty thousand dollars (\$22,280,000) from the tobacco settlement program fund, contingent on enactment of House Bill 79 of the second session of the forty-ninth legislature to distribute one hundred percent of the tobacco settlement payment to the tobacco settlement program fund.

Performance measures:

(a) Outcome: Percent of age-appropriate women enrolled in medicaid

managed care receiving cervical cancer screenings as

measured by healthcare effectiveness data and information

set 72%

(b) Outcome: Number of children and youth receiving services in the

medicaid school-based services program 16,500

(c) Output: Number of adults enrolled in state coverage insurance 40,000

(d) Outcome: Percent of children in medicaid managed care receiving

early and periodic screening, diagnosis and treatment

services as measured by healthcare effectiveness data and

information set 70%

(e) Outcome: Percent of children enrolled in medicaid managed care who

have a dental exam as measured by healthcare effectiveness

data and information set 65%

(f) Outcome: Percent of age-appropriate women enrolled in medicaid

managed care receiving breast cancer screenings as measured

by healthcare effectiveness data and information set 55%

(2) Medicaid behavioral health:

department for childcare programs, two million dollars (\$2,000,000) to the children, youth and families department for domestic violence programs, one million dollars (\$1,000,000) to the children, youth and families department for pre-kindergarten programs, one million five hundred thousand dollars (\$1,500,000) to the public education department for pre-kindergarten programs, two hundred fifty thousand dollars (\$250,000) to the public education department for the graduation, reality, and dual-role skills program and three hundred fifty thousand dollars (\$350,000) to the aging and long-term services department for the gold mentor program.

The appropriations to the income support program of the human services department include six million seven hundred two thousand seven hundred dollars (\$6,702,700) from the general fund and two million eight hundred one thousand dollars (\$2,801,000) from other state funds for general assistance. Any unexpended balances remaining at the end of fiscal year 2011 from the other state funds appropriation derived from reimbursements received from the social security administration for the general assistance program shall not revert.

The general fund appropriations to the income support program of the human services department include two hundred eighteen thousand dollars (\$218,000) for the Navajo sovereign temporary assistance for needy families program.

The general fund appropriations to the income support program of the human services department include thirty-two thousand dollars (\$32,000) for the Zuni sovereign temporary assistance for needy families program.

~~[The human services department shall provide the department of finance and administration and the legislative finance committee quarterly reports on the expenditures of the federal temporary assistance for needy families block grant and the state maintenance-of-effort expenditures.]~~ *LINE-ITEM VETO*

Performance measures:

(a) Outcome: Percent of temporary assistance for needy families clients

who receive a job 60%

(b) Outcome: Percent of parent participants who meet temporary

assistance for needy families federally required work

participation requirements 50%

(c) Outcome: Percent of temporary assistance for needy families

participants who retain a job for six or more months 60%

(d) Outcome: Percent of temporary assistance for needy families

two-parent recipients meeting federally required work

participation requirements 90%

(e) Outcome: Percent of children eligible for supplemental nutrition

assistance program participating in the program 75%

(f) Outcome: Percent of expedited supplemental nutrition assistance program cases meeting federally required measure of timeliness within seven days 98%

(g) Outcome: Percent of regular supplemental nutrition assistance program cases meeting the federally required measure of timeliness within thirty days 98%

(h) Outcome: Percent of eligible individuals receiving supplemental nutrition assistance program benefits 69%

(4) Behavioral health services:

The purpose of the behavioral health services program is to lead and oversee the provision of an integrated and comprehensive behavioral health prevention and treatment system so that the program fosters recovery and supports the health and resilience of all New Mexicans.

Appropriations:

(a)	Personal services and employee benefits	1,759.0	107.0	1,866.0
(b)	Contractual services	41,213.3	9,193.9	50,407.2
(c)	Other	319.7 21.0	29.0	369.7
(d)	Other financing uses	279.4	1,512.8	1,792.2

Authorized FTE: 26.00 Permanent

Performance measures:

(a) Outcome: Percent of readmissions to same level of care or higher for children or youth discharged from residential treatment centers and inpatient care 8%

(b) Outcome: Youth suicide rate among fifteen to nineteen year olds

served by the statewide entity 3

(c) Output: Number of individuals served annually in substance abuse, mental health programs or both administered through the behavioral health purchasing collaborative statewide entity contract 75,000

(d) Outcome: Percent of people receiving substance abuse treatments who demonstrate improvement in the alcohol domain on the addiction severity index 80%

(e) Outcome: Percent of people receiving substance abuse treatments who demonstrate improvement in the drug domain on the addiction severity index 75%

(5) Child support enforcement:

The purpose of the child support enforcement program is to provide location, establishment and collection services for custodial parents and their children; to ensure that all court orders for support payments are being met to maximize child support collections; and to reduce public assistance rolls.

Appropriations:

(a) Personal services and employee benefits	5,455.1	2,976.2	12,860.0	21,291.3
(b) Contractual services	1,835.8	1,001.5	4,327.7	7,165.0
(c) Other	1,386.7	756.5	3,269.0	5,412.2

Authorized FTE: 400.00 Permanent

Performance measures:

(a) Outcome: Amount of child support collected, in millions \$110.1

(b) Outcome: Percent of current support owed that is collected 60%

(c) Outcome: Percent of cases with support orders 70%

(6) Program support:

The purpose of program support is to provide overall leadership, direction and administrative support to each agency program and to assist it in achieving its programmatic goals.

Appropriations:

(a)	Personal services and				
	employee benefits	4,057.2	3,079.2	10,754.5	17,890.9
(b)	Contractual services	4,279.0	129.5	7,155.3	11,563.8
(c)	Other	4,995.2	680.1	9,063.3	14,738.6

Authorized FTE: 252.50 Permanent

Subtotal 4,783,716.2

WORKFORCE SOLUTIONS DEPARTMENT:

(1) Workforce transition services:

The purpose of the workforce transition program is to administer an array of demand-driven workforce development services to prepare New Mexicans to meet the needs of business.

Appropriations:

(a)	Personal services and				
	employee benefits	1,537.6	700.0	11,763.5	14,001.1
(b)	Contractual services	0.3	850.8	851.1	
(c)	Other	218.1	616.5	2,052.8	2,887.4
(d)	Other financing uses			791.9	791.9

Authorized FTE: 285.00 Permanent; 22.50 Term

The federal funds appropriation to the workforce transition services program of the workforce solutions department includes one million dollars (\$1,000,000) for operational and administrative expenses associated with the employment security program, contingent on receipt of federal Reed Act funds available through the Assistance for Unemployed Workers and Struggling Families Act, Title II of Division B of Public Law 111-5, enacted February 17, 2009, and the department providing a revised expenditure

plan for approval by the New Mexico office of recovery and reinvestment and the United States department of labor.

Performance measures:

- (a) Outcome: Percent of adult participants receiving workforce development services through the public workforce system who are employed in the first quarter after the exit quarter 86%
- (b) Outcome: Percent of Workforce Investment Act dislocated workers receiving workforce development services who are employed in the first quarter after the exit quarter 88%
- (c) Outcome: Percentage of youth participants who are in employment or enrolled in postsecondary education or advanced training in the first quarter after the exit quarter 71%
- (d) Output: Percent of eligible unemployment insurance claims issued a determination within twenty-one days from the date of claim 80%
- (e) Output: Percent of adult Workforce Investment Act participants employed in both the second and third quarter following the exit quarter 72%
- (f) Output: Percent of Workforce Investment Act dislocated worker participants employed in both the second and third quarter following the exit quarter 90%
- (g) Output: Average unemployment insurance call center wait time to reach an agent, in minutes <5

(2) Labor relations division:

The purpose of the labor relations program is to provide employment rights information and other work-site-based assistance to employers and employees.

Appropriations:

(a)	Personal services and employee benefits	1,200.0	51.4	691.5	243.9	2,186.8
(b)	Contractual services	8.0			3.5	11.5
(c)	Other	192.3	1,025.8	2.6	1,220.7	
(d)	Other financing uses			1,077.2		1,077.2

Authorized FTE: 38.00 Permanent

The internal service funds/interagency transfers appropriations to the labor relations program of the workforce solutions department include six hundred ninety-one thousand five hundred dollars (\$691,500) from fund balances in the workers' compensation administration fund.

Performance measures:

- (a) Outcome: Number of backlogged human rights commission hearings
pending each quarter 0
- (b) Outcome: Percent of wage claims investigated and resolved within one
hundred twenty days 96%
- (c) Outcome: Percent of discrimination cases referred to alternative
dispute resolution that were settled 78%
- (d) Output: Number of targeted public works inspections completed 1,800

(3) Workforce technology division:

The purpose of the workforce technology program is to provide and maintain customer-focused, effective and innovative information technology services for the department and its service providers.

Appropriations:

(a)	Personal services and employee benefits	869.2		1,974.0		2,843.2
(b)	Contractual services	230.1	75.0		507.1	812.2

(c)	Other	243.2	695.5	938.7	
(d)	Other financing uses		35.6	35.6	

Authorized FTE: 41.00 Permanent

(4) Business services division:

The purpose of the business services program is to provide standardized business solution strategies and labor market information through New Mexico public workforce system that is responsive to the needs of New Mexico businesses.

Appropriations:

(a)	Personal services and employee benefits	3.2	1,661.2	1,664.4	
(b)	Contractual services		283.6	283.6	
(c)	Other	3,018.0	3,018.0		

Authorized FTE: 30.00 Permanent

Performance measures:

- (a) Outcome: Percent of employers sampled reporting customer satisfaction 90%
- (b) Output: Number of personal contacts made by field office personnel
with New Mexico businesses to inform them of available
services or provide actual services 30,000

(5) Program support:

The purpose of program support is to provide overall leadership, direction and administrative support to each agency program to achieve organizational goals and objectives.

Appropriations:

(a)	Personal services and employee benefits	333.9	26.4	1,067.6	4,799.9	6,227.8
(b)	Contractual services	175.8			999.2	1,175.0

(c)	Other	230.3	12,708.2	12,938.5
(d)	Other financing uses		1,042.4	1,042.4

Authorized FTE: 89.00 Permanent; 4.00 Term

Subtotal 54,007.1

WORKERS' COMPENSATION ADMINISTRATION:

(1) Workers' compensation administration:

The purpose of the workers' compensation administration program is to assure the quick and efficient delivery of indemnity and medical benefits to injured and disabled workers at a reasonable cost to employers.

Appropriations:

(a)	Personal services and employee benefits		8,038.1	8,038.1
(b)	Contractual services		348.7	348.7
(c)	Other	1,360.1		1,360.1
(d)	Other financing uses		691.5	691.5

Authorized FTE: 130.00 Permanent

Performance measures:

- (a) Output: Number of first reports of injury processed 38,400
- (b) Outcome: Percent of formal claims resolved without trial 85%
- (c) Outcome: Rate of serious injuries and illnesses caused by workplace conditions per one hundred workers .620
- (d) Outcome: Percent of employers referred for investigation that are determined to be in compliance with insurance requirements of the Workers' Compensation Act 65%

(2) Uninsured employers' fund:

Appropriations:

(a)	Contractual services		100.0		100.0
(b)	Other	1,069.1		1,069.1	
	Subtotal			11,607.5	

DIVISION OF VOCATIONAL REHABILITATION:

(1) Rehabilitation services:

The purpose of the rehabilitation services program is to promote opportunities for people with disabilities to become more independent and productive by empowering individuals with disabilities so that they may maximize their employment, economic self-sufficiency, independence and inclusion and integration into society.

Appropriations:

(a)	Personal services and					
	employee benefits	2,650.0	17.1	759.7	10,071.4	13,498.2
(b)	Contractual services	157.9	33.1	49.5	613.6	854.1
(c)	Other	1,632.7	32.8	644.6	12,787.6	15,097.7

Authorized FTE: 190.00 Permanent; 19.00 Term

The internal service funds/interagency transfers appropriation to the rehabilitation services program of the division of vocational rehabilitation in the other category includes four hundred sixty-six thousand dollars (\$466,000) to match with federal funds to support and enhance deaf and hard-of-hearing rehabilitation services.

Any unexpended balances in the division of vocational rehabilitation remaining at the end of fiscal year 2011 from appropriations made from the general fund shall not revert.

Performance measures:

- (a) Outcome: Number of persons achieving suitable employment for a minimum of ninety days 1,700
- (b) Outcome: Percent of persons achieving suitable employment outcomes of all cases closed after receiving planned services 60%
- (c) Outcome: Percent of persons achieving suitable employment outcomes

who are competitively employed or self-employed 95%

- (d) Outcome: Percent of persons with significant disabilities achieving suitable employment outcomes who are competitively employed or self-employed, earning at least minimum wage 95%

(2) Independent living services:

The purpose of the independent living services program is to increase access for individuals with disabilities to technologies and services needed for various applications in learning, working and home management.

Appropriations:

- (a) Other 1,288.5 250.0 1,538.5

Performance measures:

- (a) Output: Number of independent living plans developed 700
(b) Output: Number of individuals served for independent living 900

(3) Disability determination:

The purpose of the disability determination program is to produce accurate and timely eligibility determinations to social security disability applicants so that they may receive benefits.

Appropriations:

- (a) Personal services and employee benefits 6,248.2 6,248.2
(b) Contractual services 244.0 244.0
(c) Other 7,885.9 7,885.9

Authorized FTE: 90.00 Permanent

Performance measures:

- (a) Efficiency: Number of days for completing an initial disability claim 80
(b) Quality: Percent of disability determinations completed accurately 98.5%

Subtotal 45,366.6

GOVERNOR'S COMMISSION ON DISABILITY:

(1) Information and advocacy:

The purpose of the governor's commission on disability is to promote policies and programs that focus on common issues faced by New Mexicans with disabilities, regardless of type of disability, age or other factors. The commission educates state administrators, legislators and the public on the issues facing New Mexicans with disabilities, especially as they relate to Americans with Disabilities Act directives, building codes, disability technologies and disability culture, so they can improve the quality of life of New Mexicans with disabilities.

Appropriations:

(a)	Personal services and			
	employee benefits	736.4	13.0	749.4
(b)	Contractual services	276.1	30.6	306.7
(c)	Other	119.7	14.9	134.6

Authorized FTE: 10.00 Permanent

The general fund appropriation to the information and advocacy program of the governor's commission on disability in the contractual services category includes an additional one hundred thousand dollars (\$100,000) for deaf-blind support service provider programs.

Performance measures:

(a) Output: Number of meetings held to develop collaborative partnerships with other state agencies and private disability agencies to ensure that quality of life issues for New Mexicans with disabilities are being addressed 150

(b) Outcome: Number of presentations and events in which agency participates and contributes 50

Subtotal 1,190.7

DEVELOPMENTAL DISABILITIES PLANNING COUNCIL:

(1) Consumer services:

The purpose of the consumer services program is to provide training, information and referral for individuals with disabilities and their family members so that they can live more independent and self-directed lives.

Appropriations:

(a)	Personal services and			
	employee benefits	84.2		84.2
(b)	Contractual services		5.5	5.5
(c)	Other	140.4	75.0	215.4

Authorized FTE: 2.00 Permanent

Performance measures:

- (a) Output: Number of client contacts to assist on health, housing, transportation, education, child care, medicaid services and other programs 5,000
- (b) Outcome: Percent of participants satisfied with trainings and delivery of services, as evidenced by satisfactory survey ratings 90%

(2) Developmental disabilities planning council:

The purpose of the developmental disabilities planning council program is to provide and produce opportunities for persons with disabilities so that they may realize their dreams and potentials and become integrated members of society.

Appropriations:

(a)	Personal services and			
	employee benefits	343.2	149.2	492.4
(b)	Contractual services		4.5	307.3 311.8
(c)	Other	124.4	54.0	178.4

Authorized FTE: 6.50 Permanent; 1.00 Term

Performance measures:

(a) Output: Number of persons with developmental disabilities, their family members or guardians and others involved in services for persons with developmental disabilities served by the agency in the federally mandated areas 4,500

(b) Output: Number of monitoring site visits conducted 40

(3) Brain injury advisory council:

The purpose of the brain injury advisory council program is to provide guidance on the utilization and implementation of programs provided through the aging and long-term services department's brain injury services fund so that they may align service delivery with needs identified by the brain injury community.

Appropriations:

(a)	Personal services and employee benefits	65.6	65.6
(b)	Contractual services	6.9	6.9
(c)	Other	24.5	24.5

Authorized FTE: 1.00 Permanent

(4) Office of guardianship:

The purpose of the office of guardianship is to enter into, monitor and enforce guardianship contracts for income-eligible persons and help to file, investigate and resolve complaints about guardianship services provided by contractors in order to maintain the dignity, safety and security of the indigent and incapacitated adults of the state.

Appropriations:

(a)	Personal services and employee benefits	354.5	354.5
(b)	Contractual services	2,997.9	2,997.9
(c)	Other	75.8	75.8

Authorized FTE: 5.50 Permanent

Performance measures:

- (a) Outcome: Percent of protected persons properly served with the least restrictive means, as evidenced by an annual technical compliance audit 95%

Subtotal 4,812.9

MINERS' HOSPITAL OF NEW MEXICO:

(1) Healthcare:

The purpose of the healthcare program is to provide quality acute care, long-term care, and related health services to the beneficiaries of the miners' trust fund of New Mexico and the people of the region so they can maintain optimal health and quality of life.

Appropriations:

- | | | | |
|---|----------|---------|----------|
| (a) Personal services and employee benefits | 12,046.3 | 266.6 | 12,312.9 |
| (b) Contractual services | 4,646.1 | | 4,646.1 |
| (c) Other 6,009.9 | 55.2 | 6,065.1 | |
| (d) Other financing uses | | 5,094.1 | 5,094.1 |

Authorized FTE: 211.50 Permanent; 13.50 Term

The internal service funds/interagency transfers appropriation to the healthcare program of miners' hospital of New Mexico in the other financing uses category includes five million ninety-four thousand one hundred dollars (\$5,094,100) from the miners' trust fund.

Performance measures:

- (a) Outcome: Percent of budgeted revenue collected 100%
- (b) Outcome: Infection rates following treatment per one thousand patient days <2%
- (c) Outcome: Patient fall rates per one thousand patient days 0.5%

Subtotal 28,118.2

DEPARTMENT OF HEALTH:

(1) Public health:

The purpose of the public health program is to provide a coordinated system of community-based public health services focusing on disease prevention and health promotion in order to improve health status, reduce disparities and ensure timely access to quality, culturally competent health care.

Appropriations:

(a) Personal services and

employee benefits	31,874.7	2,880.4	168.0	21,523.4	56,446.5
-------------------	----------	---------	-------	----------	----------

(b) Contractual services	20,158.8	2,065.0	12,686.1	10,199.3
	45,109.2			

(c) Other	18,496.7	25,832.1	2,646.2	48,447.3	95,422.3
-----------	----------	----------	---------	----------	----------

(d) Other financing uses	600.0			600.0
--------------------------	-------	--	--	-------

Authorized FTE: 349.50 Permanent; 641.50 Term; 1.00 Temporary

The other state funds appropriations to the public health program of the department of health include six million six hundred ninety-five thousand three hundred dollars (\$6,695,300) from the tobacco settlement program fund for smoking cessation and prevention programs, eight hundred eighty-one thousand four hundred dollars (\$881,400) from the tobacco settlement program fund for diabetes prevention and control services, three hundred forty-five thousand two hundred dollars (\$345,200) from the tobacco settlement program fund for HIV/AIDS prevention, services and medicine and one hundred forty-six thousand nine hundred dollars (\$146,900) from the tobacco settlement program fund for breast and cervical cancer screening.

The general fund appropriation to the public health program of the department of health in the contractual services category includes an additional sixty-five thousand dollars (\$65,000) for operational support of women's health services in Santa Fe county.

The general fund appropriation to the public health program of the department of health in the contractual services category includes an additional one hundred fifteen thousand dollars (\$115,000) for rural primary health services.

Any unexpended balances in the public health program of the department of health in the contractual services category from appropriations made from the county-supported medicaid fund for the support of primary health care services related to the Rural Primary Health Care Act remaining at the end of fiscal year 2011 shall not revert.

Performance measures:

(a) Outcome: Percent of adults who use tobacco	19%
--	-----

~~[(b) Explanatory: Number of packs of cigarettes sold per New Mexican 53.6~~

~~(c) Outcome: National ranking of New Mexico children who are fully immunized—30th] *LINE-ITEM VETO*~~

(d) Output: Percent of preschoolers fully immunized 82%

~~[(e) Outcome: National ranking of New Mexico teen birth rate per one thousand for girls ages fifteen to seventeen—48th] *LINE-ITEM VETO*~~

(2) Epidemiology and response:

The purpose of the epidemiology and response program is to monitor health, provide health information, prevent disease and injury, promote health and healthy behaviors, respond to public health events, prepare for health emergencies and provide emergency medical and vital registration services to New Mexicans.

Appropriations:

(a) Personal services and						
employee benefits	4,388.1	985.4	222.3	7,808.1	13,403.9	
(b) Contractual services	877.4	249.7	35.0	4,840.8	6,002.9	
(c) Other	4,002.4	100.2	39.4	3,326.8	7,468.8	

Authorized FTE: 49.00 Permanent; 152.00 Term

Performance measures:

(a) Output: Number of designated trauma centers in the state 10

(b) Output: Number of health emergency exercises conducted to assess and improve local capability 60

(3) Laboratory services:

The purpose of the laboratory services program is to provide laboratory analysis and scientific expertise for policy development for tax-supported public health, environment and toxicology programs in the state of New Mexico to provide timely identification of threats to the health of New Mexicans.

Appropriations:

(a) Personal services and					
employee benefits	4,854.6	1,500.0		1,078.3	7,432.9

(b)	Contractual services	599.1	645.6	1,244.7	
(c)	Other	1,367.4	877.7	661.7	2,906.8

Authorized FTE: 84.00 Permanent; 49.00 Term

Performance measures:

(a) Outcome: Percent of public health threat samples for communicable diseases and other threatening illnesses that are analyzed within specified turnaround times 98%

(b) Efficiency: Percent of blood alcohol tests from driving-while-intoxicated cases that are analyzed and reported within ten business days 75%

(4) Facilities management:

The purpose of the facilities management program is to provide oversight for department of health facilities that provide health and behavioral healthcare services, including mental health, substance abuse, nursing home and rehabilitation programs in both facilities and community-based settings and serve as the safety net for the citizens of New Mexico.

Appropriations:

(a)	Personal services and employee benefits	50,432.9	61,511.8	88.8	112,033.5	
(b)	Contractual services	3,146.6	2,934.3	556.2	6,637.1	
(c)	Other	8,092.7	12,493.3	159.8	142.3	20,888.1

Authorized FTE: 2,279.00 Permanent; 23.00 Temporary

Performance measures:

(a) Outcome: Number of substantiated cases of abuse, neglect and exploitation per one hundred residents in agency-operated long-term care programs confirmed by the division of health

improvement 0

(b) Output: Percent of operational capacity beds filled at all agency

facilities 90%

(c) Efficiency: Percent of billed third-party revenues collected at all

agency facilities 75%

(5) Developmental disabilities support:

The purpose of the developmental disabilities support program is to administer a statewide system of community-based services and support to improve the quality of life and increase the independence and interdependence of individuals with developmental disabilities and children with or at risk for developmental delay or disability and their families.

Appropriations:

(a) Personal services and

employee benefits	4,104.7	6,911.1	489.5	11,505.3
-------------------	---------	---------	-------	----------

(b) Contractual services	14,895.2	1,400.0	1,034.1	1,061.2
	18,390.5			

(c) Other	18,341.9	681.6	1,021.0	20,044.5
-----------	----------	-------	---------	----------

(d) Other financing uses	62,950.0			62,950.0
--------------------------	----------	--	--	----------

Authorized FTE: 69.00 Permanent; 102.00 Term; 1.00 Temporary

The general fund appropriation[s] to the developmental disabilities support program of the department of health in the contractual services category include one hundred thousand dollars (\$100,000) for payments due to the plaintiffs' attorneys, their consultants and expert witnesses, and other related court costs as a result of the Jackson v. Ft. Stanton lawsuit and related actions. ~~[There are no other appropriations for this purpose in the General Appropriation Act of 2010 and the department shall not expend any other appropriation for this purpose. During fiscal year 2011, the department has no authority to request a budget adjustment for the purpose of increasing payments to those attorneys, consultants and expert witnesses and other related court costs. Any amounts budgeted by the department of health for attorneys, consultants, witnesses and related costs as a result of this lawsuit above the amount appropriated in this paragraph shall be expended for the purpose of reducing the number of individuals on the developmental disabilities medicaid waiver waiting list.]~~ *LINE-ITEM VETO*

The general fund appropriation[s] to the developmental disabilities support program of the department of health in the contractual services category include sixty-five thousand dollars (\$65,000) for an autism summer camp in Bernalillo county. *LINE-ITEM VETO*

The general fund appropriation to the developmental disabilities support program of the department of health in the other financing uses category includes sixty-two million nine hundred fifty thousand dollars

(\$62,950,000) for medicaid waiver services in local communities: two million three hundred ninety-four thousand eight hundred dollars (\$2,394,800) for medically fragile services and sixty million five hundred fifty-five thousand two hundred dollars (\$60,555,200) for services to the developmentally disabled which includes two million two hundred fifty thousand dollars (\$2,250,000) that shall only be used to enroll new clients from the developmental disabilities medicaid waiver waiting list.

(6) Health certification, licensing and oversight:

The purpose of the health certification, licensing and oversight program is to provide health facility licensing and certification surveys, community-based oversight and contract compliance surveys, and a statewide incident management system so that people in New Mexico have access to quality health care and that vulnerable populations are safe from abuse, neglect and exploitation.

Appropriations:

(a) Personal services and

employee benefits	3,491.4	1,095.8	2,814.4	1,335.9
	8,737.5			

(b) Contractual services 534.1 4.0 15.1 553.2

(c) Other 854.4 1,292.5 712.6 314.0 3,173.5

(d) Other financing uses 140.0 140.0

Authorized FTE: 48.00 Permanent; 110.00 Term

~~[The other state funds appropriation to the health certification, licensing and oversight program of the department of health is contingent on the program increasing licensing fees to the statutory authorized levels.] LINE-ITEM VETO~~

Performance measures:

(a) Output: Percent of required compliance surveys completed for adult

residential care and adult daycare facilities 95%

(b) Output: Percent of developmental disabilities, family infant

toddler, medically fragile and behavioral health providers

receiving a survey by the quality management bureau 75%

(7) Administration:

The purpose of the administration program is to provide leadership, policy development, information technology, administrative and legal support to the department of health so it achieves a high level of accountability and excellence in services provided to the people of New Mexico.

Appropriations:

(a)	Personal services and					
	employee benefits	5,817.0	85.0	1,130.0	3,703.9	10,735.9
(b)	Contractual services	2,240.6		186.1	280.0	2,706.7
(c)	Other	4,802.8	177.9	187.3		5,168.0

Authorized FTE: 139.00 Permanent; 3.00 Term; 1.00 Temporary

~~[The general fund appropriations of forty-two million four hundred fifty-one thousand eight hundred dollars (\$42,451,800) to the department of health in the contractual services category in all programs are contingent on the department of health including performance measures in its outcome-based contracts to increase oversight and accountability.]~~ *LINE-ITEM VETO*

~~[Performance measures:~~

~~(a) Output: Number of patient encounters provided through telehealth sites statewide — 4,500]~~ *LINE-ITEM VETO*

Subtotal 519,701.8

DEPARTMENT OF ENVIRONMENT:

(1) Environmental health:

The purpose of the environmental health program is to protect public health and the environment through specific programs that provide regulatory oversight over food service and food processing facilities, regulation of on-site treatment and disposal of liquid wastes, regulation of public swimming pools and baths, regulation of medical radiation and radiological technologist certification, application of the mosquito abatement regulation, oversight of waste isolation pilot plant transportation and education and public outreach about radon in homes and public buildings.

Appropriations:

(a)	Personal services and					
	employee benefits	5,052.4		3,174.1	143.3	8,369.8
(b)	Contractual services	15.9		67.5	90.0	173.4
(c)	Other	881.6	855.8	41.4		1,778.8

Authorized FTE: 109.00 Permanent; 23.00 Term

Performance measures:

- (a) Output: Percent of new septic tanks inspections completed 90%
- (b) Outcome: Percent of high-risk food-related violations corrected within the timeframes noted on the inspection report issued to permit commercial food establishments 100%
- (c) Output: Percent of annual permitted commercial food establishment inspections completed 90%
- (d) Output: Percent of radiation-producing machine inspections completed within the timeframes identified in radiation control bureau policies 85%

(2) Water quality:

The purpose of the water quality program is to protect the quality of New Mexico's ground- and surface-water resources to ensure clean and safe water supplies are available now and in the future to support domestic, agricultural, economic and recreational activities and provide healthy habitat for fish, plants and wildlife and to ensure that hazardous waste generation, storage, treatment and disposal are conducted in a manner protective of public health and environmental quality.

Appropriations:

- (a) Personal services and
employee benefits 2,393.7 4,903.2 6,901.8 14,198.7
- (b) Contractual services 1,455.0 3,531.9 4,986.9
- (c) Other 291.8 863.8 946.3 2,101.9

Authorized FTE: 46.00 Permanent; 147.50 Term

Performance measures:

- (a) Outcome: Percent of permitted facilities where monitoring results demonstrate compliance with groundwater standards 75%
- (b) Efficiency: Percent of department of energy generator site audits for

the waste isolation pilot project on which agency action
will be taken within forty-five days 80%

(c) Output: Percent of large quantity hazardous waste generators
inspected 20%

(d) Explanatory: Stream miles and acreage of lakes monitored annually to
determine if surface water quality is impaired 125/40K

(3) Environmental protection:

The purpose of the environmental protection program is to prevent releases of petroleum products into the environment, ensure solid waste is handled and disposed without harming natural resources, ensure New Mexicans breathe healthy air and ensure every employee safe and healthful working conditions.

Appropriations:

(a)	Personal services and employee benefits	2,036.4	8,945.4	2,860.7	13,842.5
(b)	Contractual services	87.5	460.4	280.3	828.2
(c)	Other	433.2	1,672.5	395.7	2,501.4

Authorized FTE: 70.00 Permanent; 126.50 Term

Performance measures:

~~[(a) Outcome: Number of days per year in which the air quality index
exceeds one hundred, exclusive of natural events such as
high winds and wildfires—8] LINE-ITEM VETO~~

(b) Outcome: Percent of facilities taking corrective action to mitigate
air quality violations discovered as a result of inspections 100%

(c) Outcome: Percent of serious worker health and safety violations
corrected within the timeframes designated on issued
citations from the consultation and compliance sections 96%

(d) Outcome: Percent of underground storage tank facilities in significant operational compliance with release prevention and release detection requirements of the petroleum storage tanks regulations 90%

(e) Outcome: Percent of active solid waste facilities and infectious waste generators inspected that were found to be in substantial compliance with the New Mexico solid waste rules 75%

(4) Water and wastewater infrastructure development:

The purpose of the water and wastewater infrastructure development program is to provide leadership for an interagency effort to develop a water and wastewater infrastructure evaluation plan and recommendations for efficient and effective use of water and wastewater loan funds and to ensure compliance with the Safe Drinking Water Act.

Appropriations:

(a)	Personal services and				
	employee benefits	340.7	4,158.0	1,270.6	5,769.3
(b)	Contractual services	7.1	2,560.3	46.0	2,613.4
(c)	Other	54.6	659.5	208.6	922.7

Authorized FTE: 30.00 Permanent; 49.00 Term

Performance measures:

(a) Explanatory: Dollar amount of new projects funded from the clean water state revolving fund program and the rural infrastructure revolving loan program, in millions TBD

(b) Efficiency: Percent of public drinking water systems inspected within one week of confirmation of system problems that might acutely impact public health 100%

(c) Outcome: Percent of environmental protection agency clean water state revolving loan fund capitalization grant and matching state funds committed to New Mexico communities for wastewater infrastructure development in the state fiscal year following receipt of an environmental protection agency award 75%

(5) Program support:

The purpose of program support is to provide overall leadership, administrative, legal and information management support to programs to operate in the most knowledgeable, efficient and cost-effective manner so the public can receive the information it needs to hold the department accountable.

Appropriations:

- (a) Personal services and employee benefits 2,533.1 2.0 2,278.8 1,763.1 6,577.0
- (b) Contractual services 197.0 95.0 98.4 268.1 658.5
- (c) Other 509.2 3.0 342.0 272.7 1,126.9

Authorized FTE: 48.00 Permanent; 31.00 Term

Performance measures:

- (a) Output: Percent of prior-year significant audit findings resolved 100%
- (b) Output: Percent of enforcement actions brought within one year of inspection or documentation of violation 90%

(6) Special revenue funds:

Appropriations:

- (a) Personal services and employee benefits 449.5 449.5
- (b) Contractual services 3,240.0 3,240.0

(c)	Other	7,133.7		7,133.7	
(d)	Other financing uses		29,657.7		29,657.7

Authorized FTE: 5.00 Permanent

Subtotal 106,930.3

OFFICE OF THE NATURAL RESOURCES TRUSTEE:

(1) Natural resource damage assessment and restoration:

The purpose of the natural resources trustee program is to restore or replace natural resources injured or lost due to releases of hazardous substances or oil into the environment.

Appropriations:

(a)	Personal services and employee benefits	251.1		251.1	
(b)	Contractual services	6.3	2,000.0		2,006.3
(c)	Other	47.9		47.9	

Authorized FTE: 3.80 Permanent

Performance measures:

- (a) Outcome: Number of acres of habitat restoration 500
- (b) Outcome: Number of acre-feet of water conserved through restoration 500

Subtotal 2,305.3

NEW MEXICO HEALTH POLICY COMMISSION:

(1) Health information and policy analysis:

The purpose of the health information and policy analysis program is to provide relevant and current health-related data, health research, information and comprehensive analysis to consumers, state health agencies, the executive, the legislature and the private health sector so they can obtain or provide improved health access in New Mexico.

Appropriations:

- (a) Personal services and

employee benefits	151.7		151.7
(b) Other	5.0	5.0	

Authorized FTE: 9.00 Permanent

Performance measures:

(a) Outcome: Number of health-related bills analyzed during the legislative session 100

Subtotal 156.7

VETERANS' SERVICES DEPARTMENT:

(1) Veterans' services:

The purpose of the veterans' services program is to carry out the mandates of the New Mexico state legislature and the governor to provide information and assistance to veterans and their eligible dependents to obtain benefits to which they are entitled in order to improve their quality of life.

Appropriations:

(a) Personal services and			
employee benefits	1,915.1	132.0	2,047.1
(b) Contractual services	821.3		821.3
(c) Other	301.5 40.0	34.0	375.5

Authorized FTE: 38.00 Permanent; 4.00 Term

Performance measures:

(a) Output: Number of veterans served by veterans' services department field offices 35,000

(b) Output: Number of homeless veterans provided overnight shelter for a period of two weeks or more 300

(c) Output: Compensation received by New Mexico veterans as a result of the department's contracts with veterans' organizations, in

millions \$100

(d) Output: Number of property tax waiver and exemption certificates

issued to New Mexico veterans 8,500

Subtotal 3,243.9

CHILDREN, YOUTH AND FAMILIES DEPARTMENT:

(1) Juvenile justice facilities:

The purpose of the juvenile justice facilities program is to provide rehabilitative services to youth committed to the department, including but not limited to medical, educational, mental health and other services that will support their rehabilitation.

Appropriations:

(a) Personal services and

employee benefits	28,584.6	1,532.2	1,310.6	31,427.4
-------------------	----------	---------	---------	----------

(b) Contractual services	5,827.4		77.0	5,904.4
--------------------------	---------	--	------	---------

(c) Other	4,679.2	23.0	192.3	4,894.5
-----------	---------	------	-------	---------

Authorized FTE: 565.50 Permanent

Performance measures:

(a) Outcome: Percent of incidents in juvenile justice services

facilities requiring use of force resulting in injury 3%

(b) Outcome: Percent of clients recommitted to a children, youth and

families department facility within two years of discharge

from facilities 10%

(c) Outcome: Percent of juvenile justice division facility clients age

eighteen and older who enter adult corrections within two

years after discharge from a juvenile justice facility 6%

(d) Output: Percent of possible education credits earned by clients in

juvenile justice division facilities 47%

(2) Protective services:

The purpose of the protective services program is to receive and investigate referrals of child abuse and neglect and provide family preservation and treatment and legal services to vulnerable children and their families to ensure their safety and well-being.

Appropriations:

(a)	Personal services and					
	employee benefits	27,779.4	4.3	722.9	19,611.7	48,118.3
(b)	Contractual services	2,452.4			8,930.2	11,382.6
(c)	Other	28,754.8	1,869.5	21,367.0	51,991.3	
(d)	Other financing uses			240.0	240.0	

Authorized FTE: 842.00 Permanent; 6.00 Term

Performance measures:

(a) Outcome: Percent of children who are not the subject of substantiated maltreatment within six months of a prior determination 93%

(b) Outcome: Percent of children reunified with their natural families in less than twelve months of entry into care 69.9%

(c) Output: Percent of children who are not the subject of substantiated maltreatment while in foster care 99.68%

(3) Early childhood services:

The purpose of the early childhood services program is to provide quality child care, nutrition services, early childhood education and training to enhance the physical, social and emotional growth and development of children.

Appropriations:

(a) Personal services and

	employee benefits	2,594.0		541.0	4,037.7	7,172.7
(b)	Contractual services	12,594.2		1,000.0		2,868.3
		16,462.5				
(c)	Other	16,866.5	1,280.4	39,034.6	72,888.3	130,069.8

Authorized FTE: 104.50 Permanent; 50.00 Term

The internal service funds/interagency transfers appropriations to the early childhood services program of the children, youth and families department include thirty-nine million nineteen thousand three hundred dollars (\$39,019,300) for childcare programs and one million dollars (\$1,000,000) for pre-kindergarten programs from the temporary assistance for needy families block grant to New Mexico.

The general fund and internal service funds/interagency transfers appropriations to the early childhood services program of the children, youth and families department include seven million eight hundred twenty-five thousand eight hundred dollars (\$7,825,800) for direct services and eight hundred sixty-nine thousand five hundred dollars (\$869,500) for administrative and program support in the pre-kindergarten program.

The federal funds appropriations to the early childhood services program of the children, youth and families department include thirty-seven million two hundred twenty-six thousand six hundred dollars (\$37,226,600) for childcare programs from the child care and development block grant to New Mexico.

Performance measures:

(a) Outcome: Percent of children receiving state subsidy in stars/aim

high programs level two through five or with national

accreditation 69%

(b) Output: Percent of families participating in home-visiting programs

with a completed family plan 75%

(c) Output: Percent of family providers participating in the child- and adult-care food program 95%

(4) Youth and family services:

The purpose of the youth and family services program is to develop and provide needed quality prevention, intervention and after-care services to youth and families in their communities.

Appropriations:

(a) Personal services and

employee benefits 21,776.8 228.7 267.6 22,273.1

(b)	Contractual services	24,586.6	1,892.4	2,423.5	4,121.4
	33,023.9				

(c)	Other	2,724.1	129.5	2,853.6	
-----	-------	---------	-------	---------	--

Authorized FTE: 376.10 Permanent; 12.00 Term

The internal service funds/interagency transfers appropriations to the youth and family services program of the children, youth and families department include two million dollars (\$2,000,000) for domestic violence programs from the temporary assistance for needy families block grant to New Mexico.

Notwithstanding the provisions of Section 31-12-12 NMSA 1978, the other state funds appropriations to the youth and family services program of the children, youth and families department include one million dollars (\$1,000,000) from the domestic violence offender treatment or intervention fund for domestic violence programs.

Performance measures:

- (a) Outcome: Percent of adult victims or survivors receiving domestic violence services who have an individualized safety plan 70%
- (b) Outcome: Percent of domestic violence offenders who complete a batterer's intervention program 70%
- (c) Outcome: Percent of clients who complete formal probation 90%
- (d) Output: Percent of clients readjudicated within two years of previous adjudication 5.8%

(5) Program support:

The purpose of program support is to provide the direct services divisions with functional and administrative support so they may provide client services consistent with the department's mission and also support the development and professionalism of employees.

Appropriations:

- (a) Personal services and employee benefits 7,686.4 3,587.8 11,274.2
- (b) Contractual services 982.0 31.2 545.5 1,558.7
- (c) Other 3,369.8 105.1 1,636.8 5,111.7

Authorized FTE: 160.00 Permanent; 4.00 Term

Performance measures:

(a) Outcome: Percent vacancy rate for youth care specialists 8%

Subtotal 383,758.7

TOTAL HEALTH, HOSPITALS AND HUMAN SERVICES	1,256,152.3	287,685.6	255,760.0	4,226,966.9	6,026,564.8
--	-------------	-----------	-----------	-------------	-------------

G. PUBLIC SAFETY

DEPARTMENT OF MILITARY AFFAIRS:

(1) National guard support:

The purpose of the national guard support program is to provide administrative, fiscal, personnel, facility construction and maintenance support to the New Mexico national guard in maintaining a high degree of readiness to respond to state and federal missions and to supply an experienced force to protect the public, provide direction for youth and improve the quality of life for New Mexicans.

Appropriations:

(a) Personal services and employee benefits	3,211.4	168.9	4,770.5	8,150.8
(b) Contractual services	393.7		3,509.3	3,903.0
(c) Other	3,270.7	58.9	3,662.7	6,992.3

Authorized FTE: 32.00 Permanent; 116.00 Term

The general fund appropriation to the national guard support program of the department of military affairs in the other category includes fifty thousand dollars (\$50,000) for the employer support of the guard and reserve program. The funds shall be allocated to the department in equal installments of twelve thousand five hundred dollars (\$12,500) on July 1, 2010, September 1, 2010, November 1, 2010, and February 1, 2011, provided that after the first allocation, the department of finance and administration shall not make a subsequent allocation unless the employer support of the guard and reserve program fully accounts to the department of finance and administration for all expenditures of the previous installment so the program never has authority to expend more than twelve thousand five hundred dollars (\$12,500).

Performance measures:

(a) Outcome: Rate of attrition of the New Mexico army national guard 16%

(b) Outcome: Percent of strength of the New Mexico national guard 91%

(c) Outcome: Percent of cadets successfully graduating from the youth challenge academy 91%

(d) Output: Number of New Mexico youth challenge academy cadets who earn their high school equivalency annually 97

Subtotal 19,046.1

PAROLE BOARD:

(1) Adult parole:

The purpose of the adult parole program is to provide and establish parole conditions and guidelines for inmates and parolees so they may reintegrate back into the community as law-abiding citizens.

Appropriations:

(a) Personal services and employee benefits	326.5	326.5
(b) Contractual services	17.5	17.5
(c) Other	133.4	133.4

Authorized FTE: 6.00 Permanent

Performance measures:

(a) Efficiency: Percent of revocation hearings held within thirty days of a parolee's return to the corrections department 95%

(b) Outcome: Percent of parole certificates issued within ten days of hearing or ten days of receiving relevant information needed 95%

Subtotal 477.4

JUVENILE PUBLIC SAFETY ADVISORY BOARD:

The purpose of the juvenile public safety advisory board is to monitor each youth's rehabilitative process through therapy and support services to assure that there is a low risk for reoffending or re-victimizing the community.

Appropriations:

(a) Other 25.0 25.0

Subtotal 25.0

CORRECTIONS DEPARTMENT:

(1) Inmate management and control:

The purpose of the inmate management and control program is to incarcerate in a humane, professionally sound manner offenders sentenced to prison and to provide safe and secure prison operations. This includes quality hiring and in-service training of correctional officers, protecting the public from escape risks and protecting prison staff, contractors and inmates from violence exposure to the extent possible within budgetary resources.

Appropriations:

(a) Personal services and					
employee benefits	98,840.5	9,606.9	130.1		108,577.5
(b) Contractual services	47,500.6	58.4	30.0	76.0	47,665.0
(c) Other	87,309.0	6,428.8	42.1	900.0	94,679.9

Authorized FTE: 1,921.50 Permanent; 34.00 Term

Performance measures:

- (a) Outcome: Recidivism rate of success for offenders after release program by thirty-six months 35%
- (b) Outcome: Percent of female offenders successfully released in accordance with their scheduled release dates 90%
- (c) Outcome: Percent turnover of correctional officers 13%
- (d) Output: Graduation rate of correctional officer cadets from the corrections department training academy 90%
- (e) Output: Percent of eligible inmates who earn a general equivalency diploma 78%

- (f) Output: Percent of participating inmates completing adult basic education 32%
- (g) Outcome: Percent of male offenders successfully released in accordance with their scheduled release dates 90%
- (h) Efficiency: Daily cost per inmate, in dollars, for prior fiscal year \$87
- (i) Output: Percent of inmates testing positive for drug use (including inmates refusing to be tested) in a random monthly drug test 2%
- (j) Output: Number of inmate-on-inmate assaults with serious injury 23
- (k) Output: Number of inmate-on-staff assaults with serious injury 6
- (l) Output: Number of escapes from a publicly run corrections department facility 0
- (m) Output: Number of escapes from a secure non-New Mexico corrections department facility 0
- (n) Outcome: Percent of standard healthcare requirements met by medical contract vendor 87%
- (o) Outcome: Percent of eligible sex offenders within three years of release who are receiving treatment 65%

(2) Corrections industries:

The purpose of the corrections industries program is to provide training and work experience opportunities for inmates in order to instill a quality work ethic and to prepare them to perform effectively in an employment position and to reduce idle time of inmates while in prison.

Appropriations:

(a) Personal services and		
employee benefits	2,106.5	2,106.5
(b) Contractual services	20.7	20.7

(c) Other 2,615.3 2,615.3

~~[(d) Other financing uses 500.0 500.0] LINE-ITEM VETO~~

Authorized FTE: 32.00 Permanent; 3.00 Term

~~[The other state funds appropriations to the corrections industries program of the corrections department include five hundred thousand dollars (\$500,000) for transfer to the community corrections/vendor-run program of the corrections department.] LINE-ITEM VETO~~

Performance measures:

(a) Outcome: Profit and loss ratio break even

(b) Outcome: Percent of eligible inmates employed 11%

(3) Community offender management:

The purpose of the community offender management program is to provide programming and supervision to offenders on probation and parole, with emphasis on high-risk offenders, to better ensure the probability of them becoming law-abiding citizens to protect the public from undue risk and to provide intermediate sanctions and post-incarceration support services as a cost-effective alternative to incarceration.

Appropriations:

(a) Personal services and			
employee benefits	18,402.0	1,190.0	19,592.0
(b) Contractual services	39.6		39.6
(c) Other	10,196.7	1,060.0	11,256.7

Authorized FTE: 387.00 Permanent

No more than five hundred thousand dollars (\$500,000) of the general fund appropriations to the community offender management program of the corrections department shall be used for detention costs for parole violators.

Performance measures:

(a) Outcome: Percent turnover of probation and parole officers 20%

(b) Outcome: Percent of out-of-office contacts per month with offenders
on high and extreme supervision on standard caseloads 90%

(4) Community corrections/vendor-run:

The purpose of the community corrections/vendor-run program is to provide selected offenders on probation and parole with residential and nonresidential service settings and to provide intermediate sanctions and post-incarceration support services as a cost-effective alternative to incarceration without undue risk to the public.

Appropriations:

(a) Personal services and

employee benefits	768.6	768.6
-------------------	-------	-------

(b) Contractual services	25.0	25.0
--------------------------	------	------

(c) Other	3,016.0	42.1	[500.0]	3,558.1
-----------	---------	------	--------------------	---------

LINE-ITEM VETO

Authorized FTE: 17.00 Permanent

The appropriations for the community corrections/vendor-run program of the corrections department are appropriated to the community corrections grant fund.

~~[The internal service funds/interagency transfers appropriation to the community corrections/vendor-run program of the corrections department in the other category includes five hundred thousand dollars (\$500,000) transferred from the corrections industries program of the corrections department.]~~ *LINE-ITEM VETO*

Performance measures:

(a) Output: Percent of male offenders who complete the residential

treatment center program 75%

(b) Output: Percent of female offenders who complete the residential

treatment center program 75%

(c) Output: Percent of female offenders who complete the halfway house

program 75%

(5) Program support:

The purpose of program support is to provide quality administrative support and oversight to the department operating units to ensure a clean audit, effective budget, personnel management and cost-effective management information system services.

Appropriations:

(a)	Personal services and employee benefits	6,026.5	90.0	249.8	6,366.3
(b)	Contractual services	504.3			504.3
(c)	Other	1,571.8	12.5	1,584.3	

Authorized FTE: 90.00 Permanent

Performance measures:

- (a) Outcome: Percent of prisoners reincarcerated back into the corrections department system within thirty-six months due to new charges or pending charges 40%
- (b) Outcome: Percent of all prisoners reincarcerated back into the corrections department within thirty-six months 47%
- (c) Outcome: Percent of sex offenders reincarcerated back into the corrections department within thirty-six months 40%

Subtotal 299,859.8

CRIME VICTIMS REPARATION COMMISSION:

(1) Victim compensation:

The purpose of the victim compensation program is to provide financial assistance and information to victims of violent crime in New Mexico so they can receive services to restore their lives.

Appropriations:

(a)	Personal services and employee benefits	934.2		934.2	
(b)	Contractual services	235.0			235.0
(c)	Other	783.8	616.7	1,400.5	

Authorized FTE: 16.00 Permanent

Performance measures:

- (a) Output: Number of formal regional trainings conducted annually 8
- (b) Output: Number of formal internal staff trainings conducted annually 6
- (c) Efficiency: Average number of days to process applications 119

(2) Federal grant administration:

The purpose of the federal grant administration program is to provide funding and training to nonprofit victim providers and public agencies so they can provide services to victims of crime.

Appropriations:

- (a) Personal services and employee benefits 273.5 273.5
- (b) Contractual services 28.0 28.0
- (c) Other 3,646.0 3,646.0
- (d) Other financing uses 700.0 700.0

Authorized FTE: 4.00 Term

Performance measures:

- (a) Efficiency: Percent of sub-recipients that receive compliance monitoring via desk audits 85%
- (b) Efficiency: Percent of site visits conducted 50%
- (c) Output: Number of training workshops conducted for sub-recipients 14

Subtotal 7,217.2

DEPARTMENT OF PUBLIC SAFETY:

(1) Law enforcement:

The purpose of the law enforcement program is to provide the highest quality of law enforcement services to the public and ensure a safer state.

Appropriations:

(a)	Personal services and employee benefits	55,949.8	958.3	2,424.0	1,794.0	61,126.1
(b)	Contractual services	1,133.2	208.9	104.0	376.5	1,822.6
(c)	Other	11,406.7	3,660.7	795.4	1,268.9	17,131.7

Authorized FTE: 766.00 Permanent; 4.00 Term; 24.20 Temporary

The general fund appropriation to the law enforcement program of the department of public safety in the personal services and employee benefits category includes eight hundred thousand dollars (\$800,000) to recruit cadets and implement state police academies in fiscal year 2011.

Performance measures:

- (a) Explanatory: Number of fatal crashes in New Mexico per year 400
- (b) Output: Number of driving-while-intoxicated arrests by department
of public safety commissioned personnel in New Mexico 3,200
- (c) Output: Number of drug arrests by department of public safety
commissioned personnel in New Mexico 1,000
- (d) Output: Number of driving-while-intoxicated crashes investigated by
department of public safety commissioned personnel 200
- (e) Output: Number of administrative citations issued to licensed
liquor establishments for the illegal sales or service of
alcohol to minors and intoxicated persons by the special
investigation division 200
- (f) Output: Number of criminal cases investigated by department of
public safety commissioned personnel in New Mexico 15,000
- (g) Output: Number of criminal citations or arrests for the illegal
sales or service of alcohol to minors and intoxicated

persons by the special investigation division 150

(2) Motor transportation:

The purpose of the motor transportation program is to provide the highest quality of commercial motor vehicle enforcement services to the public and ensure a safer state.

Appropriations:

(a) Personal services and

employee benefits	7,012.1	25.0	5,783.1	3,136.6	15,956.8
-------------------	---------	------	---------	---------	----------

(b) Contractual services 410.2 384.4 1,328.0 2,122.6

(c) Other 2,465.6 1,927.0 896.1 5,288.7

Authorized FTE: 218.50 Permanent; 55.00 Term

The internal service funds/interagency transfers appropriations to the motor transportation program of the department of public safety include six million nine hundred forty thousand dollars (\$6,940,000) from the state road fund.

Any unexpended balances in the department of public safety remaining at the end of fiscal year 2011 made from appropriations from the state road fund shall revert to the state road fund.

Performance measures:

(a) Output: Number of narcotic seizures by the motor transportation

police division 52

(b) Output: Number of commercial motor vehicle safety inspections by

the motor transportation police division 91,680

(c) Output: Number of citations issued by motor transportation police

division officers to commercial motor carrier vehicles

subject to, and not in compliance with, the requirements of

the Weight Distance Tax Act 384

(d) Output: Number of motor carrier safety audits completed 200

(3) Program support:

The purpose of program support is to provide quality protection for the citizens of New Mexico through the business of information technology, forensic science, criminal records and financial management and administrative support to the participants in the criminal justice community.

Appropriations:

(a)	Personal services and					
	employee benefits	9,990.2	891.8	42.9	1,210.3	12,135.2
(b)	Contractual services	412.1	331.6	13.7	218.4	975.8
(c)	Other	3,779.5	981.6	17.1	6,143.2	10,921.4

Authorized FTE: 149.00 Permanent; 42.00 Term

Performance measures:

- (a) Outcome: Percent of prior-year audit findings resolved 100%
- (b) Output: Number of unfilled forensic scientist vacancies in the chemistry unit 4
- (c) Output: Number of unfilled forensic scientist vacancies in the latent prints unit 1
- (d) Outcome: Percent of forensic cases completed within thirty working days 70%

Subtotal 127,480.9

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT:

(1) Homeland security and emergency management program:

The purpose of the homeland security and emergency management program is to provide for and coordinate an integrated, statewide, comprehensive emergency management system for New Mexico including all agencies, branches and levels of government for the citizens of New Mexico.

Appropriations:

(a)	Personal services and					
	employee benefits	1,467.2	106.8	2,822.1		4,396.1

(b)	Contractual services	56.0		1,347.2	1,403.2	
(c)	Other	1,303.3	10.0	101.4	27,055.2	28,469.9

Authorized FTE: 20.00 Permanent; 52.00 Term

Performance measures:

(a) Outcome: Number of exercises conducted annually in compliance with federal guidelines 34

(b) Outcome: Number of program and administrative team compliance visits conducted each year on all grants 38

Subtotal 34,269.2

TOTAL PUBLIC SAFETY	378,917.7	31,643.6	12,651.8	65,162.5
	488,375.6			

H. TRANSPORTATION

DEPARTMENT OF TRANSPORTATION:

(1) Programs and infrastructure:

The purpose of the programs and infrastructure program is to provide improvements and additions to the state's highway infrastructure to serve the interest of the general public. These improvements include those activities directly related to highway planning, design and construction necessary for a complete system of highways in the state.

Appropriations:

(a)	Personal services and employee benefits	18,257.3		9,757.8	28,015.1
(b)	Contractual services		63,118.9	204,748.3	267,867.2
(c)	Other	59,891.2	146,251.6	206,142.8	

Authorized FTE: 368.00 Permanent; 37.00 Term

The other state funds appropriations to the program and infrastructure program of the department of transportation include thirteen million four hundred eight thousand seven hundred dollars (\$13,408,700) for maintenance, reconstruction and related construction costs of state-managed highways that do not qualify for federal funding.

Performance measures:

- (a) Explanatory: Annual number of riders on park and ride 225,000
- (b) Outcome: Annual number of riders on the rail runner corridor, in millions 1.5
- (c) Outcome: Total number of traffic fatalities 405
- (d) Outcome: Number of alcohol-related traffic fatalities <155
- (e) Outcome: Number of non-alcohol-related traffic fatalities <260
- (f) Output: Number of crashes in established safety corridors 790
- (g) Explanatory: Percent of projects in production let as scheduled 75%
- (h) Outcome: Percent of airport runways in satisfactory or better condition >70%
- (i) Quality: Ride quality index for new construction 4

(2) Transportation and highway operations:

The purpose of the transportation and highway operations program is to maintain and provide improvements to the state's highway infrastructure to serve the interest of the general public. These improvements include those activities directly related to preserving roadway integrity and maintaining open highway access throughout the state system.

Appropriations:

- (a) Personal services and employee benefits 95,597.1 4,181.0 99,778.1
- (b) Contractual services 26,743.3 319.0 27,062.3
- (c) Other 86,625.7 86,625.7

Authorized FTE: 1,827.00 Permanent; 15.70 Term

Performance measures:

- (a) Output: Number of statewide pavement preservation lane miles 4,000

- (b) Outcome: Percent of non-interstate lane miles rated good 88%
- (c) Output: Amount of litter collected from department roads, in tons 16,000
- (d) Outcome: Percent of interstate lane miles rated good 97%
- (e) Quality: Customer satisfaction levels at rest areas 98%

(3) Program support:

The purpose of program support is to provide management and administration of financial and human resources, custody and maintenance of information and property and the management of construction and maintenance projects.

Appropriations:

(a)	Personal services and			
	employee benefits	24,434.3	869.0	25,303.3
(b)	Contractual services	4,910.5	442.3	5,352.8
(c)	Other	15,976.5	115.2	16,091.7
(d)	Other financing uses	6,938.0		6,938.0

Authorized FTE: 253.00 Permanent; 3.80 Term

Performance measures:

- (a) Quality: Number of external audit findings 6
- (b) Efficiency: Percent of invoices paid within thirty days 95%
- (c) Outcome: Vacancy rate in all programs 13%
- (d) Output: Percent of information technology projects on-time and on-budget 100%

(e) Output: Number of employee injuries 100

Subtotal		769,177.0		
TOTAL TRANSPORTATION	402,492.8		366,684.2	769,177.0

I. OTHER EDUCATION

PUBLIC EDUCATION DEPARTMENT:

The purpose of the public education department is to provide a public education to all students. The secretary of public education is responsible to the governor for the operation of the department. It is the secretary's duty to manage all operations of the department and to administer and enforce the laws with which the secretary or the department is charged. To do this, the department is focusing on leadership and support, productivity, building capacity, accountability, communication and fiscal responsibility.

Appropriations:

(a)	Personal services and					
	employee benefits	12,236.0	826.9	83.4	7,514.0	20,660.3
(b)	Contractual services	1,464.0		316.2		17,085.1
						18,865.3
(c)	Other	1,100.0	399.2	7.2	4,356.9	5,863.3

Authorized FTE: 208.20 Permanent; 102.00 Term; 4.60 Temporary

Performance measures:

- (a) Outcome: Percent of No Child Left Behind Act adequate yearly progress designations accurately reported by August 1 100%
- (b) Outcome: Average processing time for school district budget adjustment requests, in days 7
- (c) Explanatory: Percent completion of the data warehouse project
- (d) Outcome: Percent of teachers passing all strands of professional dossiers on the first submittal 85%

Subtotal 45,388.9

APPRENTICESHIP ASSISTANCE:

200.0	200.0
	200.0

REGIONAL EDUCATION COOPERATIVES:

Appropriations:

(a)	Northwest:		1,593.0	1,593.0
(b)	Northeast:		2,415.4	2,415.4
(c)	Lea county:		3,900.0	3,900.0
(d)	Pecos valley:	1,321.5	1,371.8	2,693.3
(e)	Southwest:	300.0	4,500.0	4,800.0
(f)	Central:	2,000.0	2,000.0	4,000.0
(g)	High plains:	3,357.5	2,854.8	6,212.3
(h)	Clovis:	335.7	1,700.0	2,035.7
(i)	Ruidoso:	4,000.0	4,800.0	8,800.0
	Subtotal		36,449.7	

PUBLIC EDUCATION DEPARTMENT SPECIAL APPROPRIATIONS:

Appropriations:

(a)	Breakfast for elementary students	2,000.0		2,000.0
(b)	After school enrichment	150.0		150.0
(c)	Regional education cooperatives operations	975.0		975.0
(d)	Pre-kindergarten program	5,500.0	1,000.0	1,500.0
		8,000.0		
(e)	Graduation, reality, and dual- role skills	300.0	250.0	550.0
(f)	New Mexico cyber academy	712.0		712.0
(g)	Kindergarten-three plus	5,500.0		5,500.0
(h)	Advanced placement	563.0		563.0

(i)	Summer reading, math and science institutes	165.0	165.0
(j)	Operating budget and management system and student, teacher accountability and reporting system	700.0	700.0

The internal service funds/interagency transfers appropriation to the public education department includes one million five hundred thousand dollars (\$1,500,000) for the pre-kindergarten program from the temporary assistance for needy families block grant to New Mexico.

The other state funds appropriation to the public education department includes one million dollars (\$1,000,000) for the pre-kindergarten program from the public pre-kindergarten fund. Any unexpended balances remaining at the end of fiscal year 2011 from appropriations made from the public pre-kindergarten fund shall revert to the public pre-kindergarten fund.

The internal service funds/interagency transfers appropriation to the public education department includes two hundred fifty thousand dollars (\$250,000) for the graduation, reality, and dual-role skills program from the temporary assistance for needy families block grant to New Mexico.

A regional educational cooperative may submit an application to the public education department for an allocation from the nine hundred seventy-five thousand dollar (\$975,000) appropriation. The public education department may allocate amounts to one or more regional cooperatives provided that the regional cooperative's application has adequately justified a need for the allocation, and the department finds that the cooperative has submitted timely quarterly financial reports, is in compliance with state and federal financial reporting requirements, and is otherwise financially stable.

Any unexpended balances in the special appropriations to the public education department remaining at the end of fiscal year 2011 from appropriations made from the general fund shall revert to the general fund.

Subtotal 19,315.0

PUBLIC SCHOOL FACILITIES AUTHORITY:

The purpose of the public school facilities oversight program is to oversee public school facilities in all eighty-nine school districts to ensure correct and prudent planning, building and maintenance using state funds and to ensure adequacy of all facilities in accordance with educational programs approved by the public education department.

Appropriations:

(a)	Personal services and employee benefits	4,013.6	4,013.6
-----	--	---------	---------

(b)	Contractual services		235.1		235.1
(c)	Other	1,598.3		1,598.3	

Authorized FTE: 51.00 Permanent

Performance measures:

(a) Outcome: Percent of projects meeting all contingencies completed

within the specified period of awards 80%

(b) Efficiency: Percent compliance with prompt payment provision of the

Prompt Payment Act for all direct payments to vendors 100%

(c) Explanatory: Change in statewide public school facility condition index

measured on December 31 of prior calendar year compared

with prior year

Subtotal 5,847.0

TOTAL OTHER EDUCATION 31,565.0 19,704.0 1,840.6 54,091.0 107,200.6

J. HIGHER EDUCATION

On approval of the higher education department, the state budget division of the department of finance and administration may approve increases in budgets of agencies, in this section, with the exception of the policy development and institutional financial oversight program of the higher education department, whose other state funds exceed amounts specified. In approving budget increases, the director of the state budget division shall advise the legislature through its officers and appropriate committees, in writing, of the justification for the approval.

The general fund appropriations for special project expansion and flexibility are to continue projects initiated by Chapter 34 of Laws 2005 and for other purposes.

~~[Prior to approving institutional budgets for fiscal year 2011, the secretary of higher education shall ensure that each institution of higher education has prioritized budget reductions to implement productivity savings from institutional support and academic support. In conjunction with the submittal of institutional operating budgets for fiscal year 2011, the higher education institutions shall provide a detailed report documenting actual expenditures for instruction and general functions in fiscal year 2009, estimated expenditures for fiscal year 2010 and proposed expenditures for fiscal year 2011. The report shall include written justification for any circumstances in which the proportion of total instruction and general expenditures devoted to instruction in fiscal year 2011 is reduced from the prior fiscal year. The higher education department shall submit the report for each institution to the department of finance and administration and the legislative finance committee prior to July 1, 2010.]~~ *LINE-ITEM VETO*

Notwithstanding the provisions of Section 21-1-33 NMSA 1978 or the provisions of the higher education department manual of financial reporting for public institutions in New Mexico, in fiscal year 2011, higher education institutions may budget and expend building renewal and replacement funds appropriated in the General Appropriation Act of 2010 as part of the institution's instruction and general purposes appropriation for other purposes provided that the transfers will be used for instruction and general.

Except as otherwise provided, any unexpended balances remaining at the end of fiscal year 2011 shall not revert to the general fund.

HIGHER EDUCATION DEPARTMENT:

(1) Policy development and institutional financial oversight:

The purpose of the policy development and institutional financial oversight program is to provide a continuous process of statewide planning and oversight within the department's statutory authority for the state higher education system and to ensure both the efficient use of state resources and progress in implementing a statewide agenda.

Appropriations:

(a)	Personal services and				
	employee benefits	2,771.8	170.0	785.5	3,727.3
(b)	Contractual services	618.6		1,128.4	1,747.0
(c)	Other	4,970.8	5.0	3,402.7	8,378.5
(d)	Other financing uses	8,453.0		13,020.3	21,473.3

Authorized FTE: 32.50 Permanent; 18.50 Term

Any unexpended balances in the policy development and institutional financial oversight program of the higher education department remaining at the end of fiscal year 2011 from appropriations made from the general fund shall revert to the general fund.

~~[The higher education department in collaboration with the New Mexico institutions of higher education shall review the methodology for calculating mill levy credits in the higher education funding formula for the purpose of developing the fiscal year 2012 higher education funding request. The higher education department shall make recommendations to the governor and the legislature no later than September 1, 2010.]~~ *LINE-ITEM VETO*

The federal funds appropriation to the policy development and institutional financial oversight program of the higher education department in the other financing uses category includes ten million nine hundred thirty-seven thousand five hundred dollars (\$10,937,500) from the American Recovery and Reinvestment Act for distribution through the higher education funding formula to institutions of higher education in instruction and general.

Performance measures:

(a) Outcome: Percent of adult basic education students who set and attain the goal of obtaining employment 58%

(b) Efficiency: Percent of properly completed capital infrastructure draws released to the state board of finance within thirty days of receipt from the institutions 95%

(c) Efficiency: Percent of properly completed financial aid allocations and draw-downs processed within thirty days 90%

(2) Student financial aid:

The purpose of the student financial aid program is to provide access, affordability and opportunities for success in higher education to students and their families so that all New Mexicans may benefit from postsecondary education and training beyond high school.

Appropriations:

(a)	Other	10,683.5	989.8	2,393.0	814.5	14,880.8
(b)	Other financing uses			13,068.6	11,123.0	41,909.7
		66,101.3				

Notwithstanding the provisions of Sections 21-21L-1 through 21-21L-8 NMSA 1978, the other state funds appropriations to the student financial aid program of the higher education department include two million three hundred two thousand seven hundred dollars (\$2,302,700) from the college affordability endowment fund for student financial aid programs.

Performance measures:

(a) Output: Number of lottery success recipients enrolled in or graduated from college after the ninth semester 3,300

(b) Outcome: Percent of students meeting eligibility criteria for state loan programs who continue to be enrolled by the sixth semester 82%

(c) Outcome: Percent of students meeting eligibility criteria for work-study programs who continue to be enrolled by the

sixth semester 75%

(d) Outcome: Percent of students meeting eligibility criteria for merit-based programs who continue to be enrolled by the sixth semester 68%

(e) Outcome: Percent of students meeting eligibility criteria for need-based programs who continue to be enrolled by the sixth semester 66%

Subtotal 116,308.2

UNIVERSITY OF NEW MEXICO:

(1) Main campus:

The purpose of the instruction and general program is to provide education services designated to meet the intellectual, educational and quality of life goals associated with the ability to enter the workforce, compete and advance in the new economy and contribute to social advancement through informed citizenship.

Appropriations:

(a) Instruction and general purposes	175,497.7	156,506.0	6,167.0	338,170.7
(b) Athletics	2,469.7	28,069.0	21.0	30,559.7
(c) Educational television	1,131.1	263.0	945.0	2,339.1
(d) Other	194,740.0	109,227.0	303,967.0	

Performance measures:

(a) Outcome: Percent of full-time, degree-seeking, first-time freshmen retained to second year 77.2%

(b) Outcome: Amount of external dollars for research and public service, in millions \$122

(c) Output: Number of undergraduate transfer students from two-year colleges 1,690

(d) Outcome: Percent of full-time, degree-seeking, first-time freshmen completing an academic program within six years 45.5%

(e) Outcome: Percent of enrolled Native American students among all degree-seeking undergraduates as of fall census date 6.8%

(2) Gallup branch:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so that they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a)	Instruction and general purposes	8,831.2	5,939.0	1,207.0	15,977.2
(b)	Nurse expansion	32.8		32.8	
(c)	Other	1,640.0	213.0	1,853.0	

Performance measures:

(a) Outcome: Percent of new students taking nine or more credit hours successful after three years 42%

(b) Outcome: Percent of graduates placed in jobs in New Mexico 60%

(c) Output: Number of students enrolled in the area vocational schools program 420

(d) Outcome: Percent of first-time, full-time, degree-seeking students enrolled in a given fall term who persist to the following spring term 83%

(3) Los Alamos branch:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so that they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a) Instruction and general

purposes	2,017.1	1,490.0	111.0	3,618.1
----------	---------	---------	-------	---------

(b) Other	634.0	358.0	992.0	
-----------	-------	-------	-------	--

Performance measures:

(a) Outcome: Percent of new students taking nine or more credit hours

successful after three years	57%
------------------------------	-----

(b) Outcome: Percent of graduates placed in jobs in New Mexico	46%
--	-----

(c) Outcome: Percent of Asian graduates	4.5%
---	------

(d) Output: Number of students enrolled in the small business

development center program	310
----------------------------	-----

(e) Outcome: Percent of first-time, full-time, degree-seeking students

enrolled in a given fall term who persist to the following	
--	--

spring term	77%
-------------	-----

(4) Valencia branch:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so that they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a) Instruction and general

purposes	5,310.3	4,070.0	3,364.0	12,744.3
----------	---------	---------	---------	----------

(b) Other 1,762.0 209.0 1,971.0

Performance measures:

(a) Outcome: Percent of new students taking nine or more credit hours
successful after three years 70%

(b) Outcome: Percent of graduates placed in jobs in New Mexico 69%

(c) Output: Number of students enrolled in the adult basic education
program 950

(d) Outcome: Percent of first-time, full-time, degree-seeking students
enrolled in a given fall term who persist to the following
spring term 80%

(5) Taos branch:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so that they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a) Instruction and general
purposes 3,009.8 2,882.0 426.0 6,317.8

(b) Other 675.0 675.0

Performance measures:

(a) Outcome: Percent of new students taking nine or more credit hours
successful after three years 59%

(b) Outcome: Percent of graduates placed in jobs in New Mexico 66%

(c) Output: Number of students enrolled in the concurrent enrollment
program 400

(d) Outcome: Percent of first-time, full-time, degree-seeking students enrolled in a given fall term who persist to the following spring term 70%

(6) Research and public service projects:

Appropriations:

(a)	Judicial selection	45.9	45.9
(b)	Judicial education center	139.7	139.7
(c)	Spanish resource center	81.5	81.5
(d)	Southwest research center	1,310.6	1,310.6
(e)	Substance abuse program	186.5	186.5
(f)	Native American intervention	203.3	203.3
(g)	Resource geographic information system	77.3	77.3
(h)	Natural heritage program	62.3	62.3
(i)	Southwest Indian law clinic	203.8	203.8
(j)	Bureau of business and economic research census/population analysis	404.6	404.6
(k)	New Mexico historical review	54.0	54.0
(l)	Ibero-American education consortium	101.1	101.1

(m)	Youth education recreation program	117.7	117.7
(n)	Advanced materials research	41.2	41.2
(o)	Manufacturing engineering program	402.5	402.5
(p)	Hispanic student center	121.4	121.4
(q)	Wildlife law education	101.7	101.7
(r)	Youth leadership development	59.5	59.5
(s)	Morrissey hall research	46.9	46.9
(t)	Africana studies faculty initiative	80.0	80.0
(u)	Disabled student services	233.9	233.9
(v)	Minority graduate recruitment and retention	134.0	134.0
(w)	Graduate research development fund	61.6	61.6
(x)	Community-based education	521.2	521.2
(y)	Corrine Wolfe children's law center	203.0	203.0
(z)	Mock trials program	95.3	95.3
(aa)	Engaging Latino communities for education	72.9	72.9

(bb)	Pre-college minority student math and science	225.0	225.0
(cc)	Latin American student recruitment	154.1	154.1
(dd)	Saturday science and math academy	49.7	49.7
(ee)	Utton transboundary resources center	349.6	349.6
(ff)	Law college prep mentoring program	145.2	145.2
(gg)	Law library improvements	130.9	130.9
(hh)	Navajo language research and teaching	80.0	80.0
(ii)	Biomedical engineering	195.2	195.2
(jj)	Student athlete retention	190.0	190.0
(kk)	Department of media arts	162.2	162.2
(ll)	International education initiatives	212.8	212.8
(mm)	College mentoring program	109.2	109.2
(nn)	Institute for aerospace engineering	59.4	59.4
(oo)	Alfonso Ortiz center	10.3	10.3
(pp)	African American studies	22.5	22.5

(qq)	African American student services program	26.0		26.0
(rr)	Morrisey hall and African American performing arts	48.0		48.0
(ss)	Land grant studies	63.2		63.2
(tt)	Latin American studies recruit, retain faculty and students	107.2		107.2
(uu)	Latin American, Iberian institute and Latin American studies	27.5		27.5
(vv)	College prep mentoring	91.8		91.8
(ww)	Arts laboratory	116.0		116.0
(xx)	Small business innovation and research outreach program	125.0		125.0

(7) Health sciences center:

The purpose of the instruction and general program is to provide education services designated to meet the intellectual, educational and quality of life goals associated with the ability to enter the workforce, compete and advance in the new economy, and contribute to social advancement through informed citizenship.

Appropriations:

(a)	Instruction and general purposes	59,959.6	32,481.0	1,229.0	93,669.6
(b)	Office of medical investigator	4,159.5	2,169.0		6,328.5
(c)	Children's psychiatric hospital	7,138.0	13,888.0		21,026.0

(d)	Hemophilia program	553.3		553.3	
(e)	Carrie Tingley hospital	5,152.0	11,311.0		16,463.0
(f)	Out-of-county indigent fund	1,160.4		1,160.4	
(g)	Newborn intensive care	3,490.7	2,777.0		6,267.7
(h)	Pediatric oncology	1,046.8	360.0	1,406.8	
(i)	Young children's health center	605.7	2,490.0	3,095.7	
(j)	Area health education centers	45.0	45.0		
(k)	Locum tenens	697.3	1,564.0	2,261.3	
(l)	Poison control center	1,416.7	405.0	145.0	1,966.7
(m)	Telemedicine	502.8	135.0	637.8	
(n)	Cancer center	2,834.7	6,201.0	8,781.0	17,816.7
(o)	Lung and tobacco-related illnesses	1,000.0		1,000.0	
(p)	Genomics, biocomputing and environmental health research		1,605.0		1,605.0
(q)	Los pasos program	45.0		45.0	
(r)	Trauma specialty education		360.0		360.0
(s)	Pediatrics specialty education	360.0	360.0		
(t)	Native American health				

	center	307.7		307.7
(u)	Hepatitis community health			
	outcomes	949.0	5.0	954.0
(v)	Nurse expansion	1,520.2		1,520.2
(w)	Integrative medicine program	114.3	196.0	310.3
(x)	Nurse advice line	30.3		30.3
(y)	Other	313,570.0	80,459.0	394,029.0

The other state funds appropriations to the university of New Mexico health sciences center include four million seven hundred sixty-two thousand dollars (\$4,762,000) from the tobacco settlement program fund; one million dollars (\$1,000,000) for research and clinical care programs in lung and tobacco-related illnesses; eight hundred thirty-seven thousand dollars (\$837,000) for instruction and general purposes; one million two hundred fifteen thousand dollars (\$1,215,000) for research in genomics, biocomputing and environmental health; four hundred five thousand dollars (\$405,000) for the poison control center; three hundred sixty thousand dollars (\$360,000) for the pediatric oncology program; one hundred thirty-five thousand dollars (\$135,000) for the telemedicine program; forty-five thousand dollars (\$45,000) for the los pasos program; forty-five thousand dollars (\$45,000) for area health education centers; three hundred sixty thousand dollars (\$360,000) for specialty education in trauma; and three hundred sixty thousand dollars (\$360,000) for specialty education in pediatrics. These funds may not be used for any other purpose.

Performance measures:

(a) Output: University of New Mexico hospital inpatient readmission rate 4%

(b) Output: Number of university of New Mexico cancer research and
treatment center clinical trials 190

(c) Output: Number of post-baccalaureate degrees awarded 296

(d) Outcome: External dollars for research and public service, in
millions \$278.1

(e) Outcome: Pass rates for step three of the United States medical
licensing exam on the first attempt 98%

Subtotal 1,300,301.9

NEW MEXICO STATE UNIVERSITY:

(1) Main campus:

The purpose of the instruction and general program is to provide education services designed to meet the intellectual, educational and quality of life goals associated with the ability to enter the workforce, compete and advance in the new economy and contribute to social advancement through informed citizenship.

Appropriations:

(a) Instruction and general

purposes	113,636.0	86,257.0	8,888.0	208,781.0
----------	-----------	----------	---------	-----------

(b) Athletics	3,390.1	7,381.0	55.0	10,826.1
---------------	---------	---------	------	----------

(c) Educational television	1,050.7	923.0		1,973.7
----------------------------	---------	-------	--	---------

(d) Other	78,924.0	104,342.0	183,266.0	
-----------	----------	-----------	-----------	--

Performance measures:

(a) Outcome: Percent of full-time, degree-seeking, first-time freshmen

retained to second year 78%

(b) Outcome: External dollars for research and creative activity, in

millions \$189.9

(c) Output: Number of teacher preparation programs available at New

Mexico community college sites 4

(d) Outcome: Percent of full-time, degree-seeking, first-time freshmen

completing an academic program within six years 45%

(e) Outcome: Number of undergraduate transfer students from two-year

colleges 750

(2) Alamogordo branch:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so that they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a)	Instruction and general purposes	7,194.5	3,812.0	287.0	11,293.5
(b)	Nurse expansion	27.6		27.6	
(c)	Other	788.0	2,578.0	3,366.0	

Performance measures:

- (a) Outcome: Percent of graduates placed in jobs in New Mexico 69.5%
- (b) Output: Number of students enrolled in the small business development center program 725
- (c) Outcome: Percent of first-time, full-time degree-seeking students enrolled in a given fall term who persist to the following spring term 79.5%

(3) Carlsbad branch:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so that they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a)	Instruction and general purposes	4,296.2	4,541.0	282.0	9,119.2
(b)	Nurse expansion	110.5		110.5	
(c)	Other	761.0	3,124.0	3,885.0	

Performance measures:

- (a) Outcome: Percent of new students taking nine or more credit hours successful after three years 65%

(b) Outcome: Percent of graduates placed in jobs in New Mexico 82%

(c) Output: Number of students enrolled in the contract training program 350

(4) Dona Ana branch:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so that they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a) Instruction and general

purposes	20,120.5	13,437.0	1,945.0	35,502.5
----------	----------	----------	---------	----------

(b) Nurse expansion	103.0		103.0	
---------------------	-------	--	-------	--

(c) Other	4,000.0	14,560.0	18,560.0	
-----------	---------	----------	----------	--

Performance measures:

(a) Outcome: Percent of new students taking nine or more credit hours

successful after three years 46%

(b) Outcome: Percent of graduates placed in jobs in New Mexico 77%

(c) Output: Number of students enrolled in the adult basic education

program 5,000

(d) Outcome: Percent of first-time, full-time, degree-seeking students

enrolled in a given fall term who persist to the following

spring term 81%

(5) Grants branch:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so that they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a) Instruction and general
 purposes 3,455.6 1,592.0 110.0 5,157.6

(b) Other 525.0 1,131.0 1,656.0

Performance measures:

(a) Outcome: Percent of new students taking nine or more credit hours
 successful after three years 53%

(b) Outcome: Percent of graduates placed in jobs in New Mexico 76%

(c) Output: Number of students enrolled in the community services
 program 550

(d) Outcome: Percent of first-time, full-time, degree-seeking students
 enrolled in a given fall term who persist to the following
 spring term 78%

(6) Department of agriculture:

Appropriations: 10,759.6 4,301.0 1,200.0 16,260.6

The general fund appropriation to the department of agriculture includes two hundred thirty thousand dollars (\$230,000) for soil and water conservation district projects.

(7) Research and public service projects:

Appropriations:

(a) Agricultural experiment
 station 14,243.7 4,400.0 9,300.0 27,943.7

(b) Cooperative extension
 service 11,806.3 12,200.0 23,600.0 47,606.3

(c) Water resource research 220.4 394.0 614.4

(d) Coordination of Mexico

	programs	44.9		44.9	
(e)	Indian resources development		354.7		354.7
(f)	Waste management				
	education program	241.4	130.0	1,800.0	2,171.4
(g)	Campus security	39.8		39.8	
(h)	Carlsbad manufacturing				
	sector development program		262.9		293.0 555.9
(i)	Manufacturing sector				
	development program	341.9	39.0		380.9
(j)	Alliances for				
	underrepresented students	325.9	22.0		347.9
(k)	Arrowhead center for				
	business development	115.3	50.0	1,277.0	1,442.3
(l)	Viticulturist	194.1		194.1	
(m)	Aerospace engineering	327.8			327.8
(n)	Nurse expansion	761.6		761.6	
(o)	New Mexico space consortium				
	grant		730.0	730.0	
(p)	Las Vegas schools agriculture				
	education program	45.5		45.5	
(q)	Tribal extension program	222.7			222.7
(r)	Institute for international				
	relations	164.5	16.0	180.5	

(s)	Mental health nurse practitioner	369.4		369.4
(t)	College of agriculture leadership program	58.2		58.2
(u)	Space consortium and outreach program	64.2		64.2
(v)	Alliance teaching and learning advancement	89.5		89.5
(w)	College assistance migrant program	160.7		160.7
(x)	Chile industry	210.1		210.1
(y)	Speech and hearing program	50.0		50.0
	Subtotal		594,854.8	

NEW MEXICO HIGHLANDS UNIVERSITY:

(1) Main:

The purpose of the instruction and general program is to provide education services designed to meet the intellectual, educational and quality of life goals associated with the ability to enter the workforce, compete and advance in the new economy and contribute to social advancement through informed citizenship.

Appropriations:

(a)	Instruction and general purposes	26,217.8	9,938.0	421.0	36,576.8
(b)	Athletics, wrestling and rodeo	2,028.1	167.0	45.0	2,240.1
(c)	Other	14,717.0	11,743.0		26,460.0

Performance measures:

- (a) Outcome: Percent of full-time, degree-seeking, first-time freshmen retained to second year 53%
- (b) Outcome: Percent of graduating seniors indicating "satisfied" or "very satisfied" with the university on student satisfaction survey 90%
- (c) Outcome: Percent of total funds generated by grants and contracts 16%
- (d) Output: Number of undergraduate transfer students from two-year colleges 450
- (e) Output: Percent of full-time, degree-seeking, first-time freshmen completing an academic program within six years 20%

(2) Research and public service projects:

Appropriations:

- (a) Upward bound 60.0 60.0
- (b) Advanced placement 250.8 250.8
- (c) Native American recruitment and retention 22.5 22.5
- (d) Diverse populations study 129.3 3.0 132.3
- (e) Spanish program 205.6 205.6
- (f) Forest and watershed institute 255.9 6.0 261.9
- (g) Bilingual education material 50.7 50.7
- (h) Ben Lujan leadership

institute	46.6	46.6
Subtotal		66,307.3

WESTERN NEW MEXICO UNIVERSITY:

(1) Main:

The purpose of the instruction and general program is to provide education services designed to meet the intellectual, educational and quality of life goals associated with the ability to enter the workforce, compete and advance in the new economy and contribute to social advancement through informed citizenship.

Appropriations:

(a)	Instruction and general purposes	15,039.9	7,847.0	216.0	23,102.9
(b)	Athletics	1,887.0	178.0	2,065.0	
(c)	Other	4,022.0	4,490.0	8,512.0	

Performance measures:

- (a) Outcome: Percent of full-time, degree-seeking, first-time freshmen retained to second year 53%
- (b) Output: Number of graduates from the school of education 150
- (c) Outcome: External dollars to be used for programs to promote student success, in millions \$3
- (d) Output: Number of undergraduate transfer students from two-year colleges 170
- (e) Output: Percent of full-time, degree-seeking, first-time freshmen completing an academic program within six years 22%

(2) Research and public service projects:

Appropriations:

(a)	Child development center	326.7	654.0		980.7
(b)	Instructional television	90.5			90.5
(c)	Web-based teacher licensure	172.9			172.9
(d)	Nurse expansion	421.1		421.1	
	Subtotal			35,345.1	

EASTERN NEW MEXICO UNIVERSITY:

(1) Main campus:

The purpose of the instruction and general program is to provide education services designed to meet the intellectual, educational and quality of life goals associated with the ability to enter the workforce, compete and advance in the new economy and contribute to social advancement through informed citizenship.

Appropriations:

(a)	Instruction and general purposes	24,292.1	12,287.0	3,234.0	39,813.1
(b)	Athletics	2,154.0	912.0	11.0	3,077.0
(c)	Educational television	1,074.8		1,362.0	630.0 3,066.8
(d)	Other	12,839.0	9,695.0	22,534.0	

Performance measures:

(a) Outcome: Percent of full-time, degree-seeking, first-time freshmen

retained to second year 61.5%

(b) Outcome: External dollars supporting research and student success,

in millions \$8

(c) Output: Number of undergraduate transfer students from two-year

colleges 430

(d) Output: Percent of full-time, degree-seeking, first-time freshmen

completing an academic program within six years 34%

(2) Roswell branch:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so that they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a) Instruction and general

purposes	12,576.0	6,832.0	3,754.0	23,162.0
----------	----------	---------	---------	----------

(b) Nurse expansion 69.1 69.1

(c) Other 4,276.0 6,044.0 10,320.0

Performance measures:

(a) Outcome: Percent of new students taking nine or more credit hours

successful after three years 49%

(b) Outcome: Percent of graduates placed in jobs in New Mexico 68%

(c) Efficiency: Percent of programs having stable or increasing enrollments 55%

(d) Outcome: Percent of first-time, full-time, degree-seeking students

enrolled in a given fall term who persist to the following

spring term 75.9%

(3) Ruidoso branch:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so that they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a) Instruction and general

purposes	2,066.6	1,740.0	236.0	4,042.6
----------	---------	---------	-------	---------

(b) Adult basic education-

Ruidoso	44.7	53.0	97.7
---------	------	------	------

(c) Other 438.0 681.0 1,119.0

Performance measures:

(a) Outcome: Percent of new students taking nine or more credit hours

successful after three years 54%

(b) Efficiency: Percent of programs having stable or increasing enrollments 75%

(c) Outcome: Percent of first-time, full-time, degree-seeking students

enrolled in a given fall term who persist to the following
spring term 64%

(4) Research and public service projects:

Appropriations:

(a) Blackwater Draw site and museum	88.7	11.0	99.7
(b) Student success programs	473.7		473.7
(c) Nurse expansion	38.5		38.5
(d) At-risk student tutoring	87.2		87.2
(e) Allied health	190.2		190.2
Subtotal			108,190.6

NEW MEXICO INSTITUTE OF MINING AND TECHNOLOGY:

(1) Main:

The purpose of the instruction and general program is to provide education services designed to meet the intellectual, educational and quality of life goals associated with the ability to enter the workforce, compete and advance in the new economy and contribute to social advancement through informed citizenship.

Appropriations:

(a)	Instruction and general purposes	26,664.1	12,001.0	38,665.1
(b)	Athletics	223.3	9.0	232.3
(c)	Other	15,481.0	12,946.0	28,427.0

The general fund appropriation to the New Mexico institute of mining and technology for the bureau of mines includes one hundred thousand dollars (\$100,000) from federal Mineral Lands Leasing Act receipts.

Performance measures:

- (a) Outcome: Percent of full-time, degree-seeking, first-time freshmen retained to second year 75%
- (b) Output: Number of students registered in master of science teaching program 170
- (c) Outcome: External dollars for research and creative activity, in millions \$85
- (d) Output: Number of undergraduate transfer students from two-year colleges 40
- (e) Output: Percent of full-time, degree-seeking, first-time freshmen completing an academic program within six years 50%

(2) Research and public service projects:

Appropriations:

(a)	Minority engineering, math and science	140.3	1,101.0	1,241.3
(b)	Bureau of mines	3,804.7	281.0	4,085.7
(c)	Petroleum recovery research			

	center	2,150.5	3,000.0		5,150.5
(d)	Bureau of mines inspection		282.5		282.5
(e)	Energetic materials research				
	center	778.0	8,530.0	38,900.0	48,208.0
(f)	Science and engineering fair		299.2		299.2
(g)	Institute for complex				
	additive systems analysis	898.0		20,000.0	20,898.0
(h)	Cave and karst research	461.7			461.7
(i)	Geophysical research center	900.5	9,014.0		9,914.5
(j)	Homeland security center	624.0			624.0
(k)	Aquifer mapping	233.0		233.0	
(l)	Southeast New Mexico center				
	for energy studies	93.7	14.0	107.7	
	Subtotal			158,830.5	

NORTHERN NEW MEXICO COLLEGE:

(1) Main:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so that they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a)	Instruction and general				
	purposes	10,271.4	4,253.0	4,264.0	18,788.4
(b)	Athletics	216.0	84.0	300.0	
(c)	Other	2,573.0		3,134.0	5,707.0

Performance measures:

- (a) Outcome: Percent of new students taking nine or more credit hours
successful after three years 70%
- (b) Outcome: Percent of graduates placed in jobs in New Mexico 73%
- (c) Output: Number of students enrolled in the adult basic education
program 450
- (d) Outcome: Percent of first-time, full-time, degree-seeking students
enrolled in a given fall term who persist to the following
spring term 81%

(2) Research and public service projects:

Appropriations:

- (a) Special projects expansion
and flexibility 253.1 253.1
- (b) Northern pueblos institute 89.2 89.2
- (c) Faculty salary adjustments 106.4 106.4
- Subtotal 25,244.1

SANTA FE COMMUNITY COLLEGE:

(1) Main:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so that they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

- (a) Instruction and general
purposes 8,658.0 21,466.0 3,655.0 33,779.0

- (b) Outcome: Percent of graduates placed in jobs in New Mexico 82%
- (c) Output: Number of students enrolled in distance education programs 6,500
- (d) Outcome: Percent of first-time, full-time, degree-seeking students
enrolled in a given fall term who persist to the following
spring term 81%

(2) Research and public service projects:

Appropriations:

(a) Tax help New Mexico	162.1	162.1
Subtotal	164,557.4	

LUNA COMMUNITY COLLEGE:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so that they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a) Instruction and general purposes	7,495.6	3,540.0	1,212.0	12,247.6
(b) Athletics	178.0		178.0	
(c) Special projects expansion and flexibility	93.8		93.8	
(d) Nurse expansion	33.1		33.1	
(e) Student service and economic development programs	265.0		265.0	
(f) Other	2,134.0	1,941.0	4,075.0	

Performance measures:

- (a) Outcome: Percent of new students taking nine or more credit hours
 successful after three years 57%
- (b) Outcome: Percent of graduates placed in jobs in New Mexico 90%
- (c) Output: Number of students enrolled in the small business
 development center program 400
- (d) Outcome: Percent of first-time, full-time, degree-seeking students
 enrolled in a given fall term who persist to the following
 spring term 80%
- Subtotal 16,892.5

MESALANDS COMMUNITY COLLEGE:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so that they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

- (a) Instruction and general
 purposes 4,261.7 1,326.0 1,050.0 6,637.7
- (b) Athletics 65.5 65.5
- (c) Special projects expansion
 and flexibility 43.5 43.5
- (d) Other 1,198.0 1,393.0 2,591.0

Performance measures:

- (a) Outcome: Percent of new students taking nine or more credit hours
 successful after three years 51.7%
- (b) Outcome: Percent of graduates placed in jobs in New Mexico 58.6%

(c) Output: Number of students enrolled in the small business
development center program 66

(d) Outcome: Percent of first-time, full-time, degree-seeking students
enrolled in a given fall term who persist to the following
spring term 64.7%

Subtotal 9,337.7

NEW MEXICO JUNIOR COLLEGE:

(1) Main campus:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so that they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a)	Instruction and general purposes	6,043.2	13,468.0	1,196.0	20,707.2
(b)	Athletics	279.4		279.4	
(c)	Other	2,987.0	3,713.0	6,700.0	

Performance measures:

(a) Outcome: Percent of new students taking nine or more credit hours
successful after three years 60%

(b) Outcome: Percent of graduates placed in jobs in New Mexico 75%

(c) Output: Number of students enrolled in distance education program 15,000

(d) Outcome: Percent of first-time, full-time, degree-seeking students
enrolled in a given fall term who persist to the following
spring term 73.5%

(2) Research and public service projects:

Appropriations:

(a)	Nurse expansion	151.5		151.5
(b)	Lea county distance education consortium	34.2		34.2
(c)	Oil and gas training center	63.4		63.4
	Subtotal		27,935.7	

SAN JUAN COLLEGE:

(1) Main campus:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so that they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a)	Instruction and general purposes	22,073.5	28,276.0	1,967.0	52,316.5
(b)	Other	8,513.0	12,448.0	20,961.0	

Performance measures:

- (a) Outcome: Percent of new students taking nine or more credit hours
successful after three years 64%
- (b) Outcome: Percent of graduates placed in jobs in New Mexico 67%
- (c) Output: Number of students enrolled in the service learning program 650
- (d) Efficiency: Percent of programs having stable or increasing enrollments 65%
- (e) Outcome: Percent of first-time, full-time, degree-seeking students
enrolled in a given fall term who persist to the following

spring term 76%

(2) Research and public service projects:

Appropriations:

(a)	Dental hygiene program	190.6	190.6
(b)	Indigent youth program	47.4	47.4
(c)	Nurse expansion	337.7	337.7
	Subtotal		73,853.2

CLOVIS COMMUNITY COLLEGE:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so that they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a)	Instruction and general purposes	8,934.9	3,726.0	664.0	13,324.9
(b)	Nurse expansion	65.9		65.9	
(c)	Other	3,687.0	8,481.0	12,168.0	

Performance measures:

- (a) Outcome: Percent of new students taking nine or more credit hours successful after three years 71%
- (b) Outcome: Percent of graduates placed in jobs in New Mexico 72%
- (c) Output: Number of students enrolled in the concurrent enrollment program 650
- (d) Outcome: Percent of first-time, full-time, degree-seeking students enrolled in a given fall term who persist to the following

spring term 79%

Subtotal 25,558.8

NEW MEXICO MILITARY INSTITUTE:

The purpose of the New Mexico military institute program is to provide a college-preparatory instruction for students in a residential, military environment culminating in a high school diploma or associates degree.

Appropriations:

(a) Instruction and general

purposes 799.6 20,560.9 123.0 21,483.5

(b) Athletics 299.4 61.7 361.1

(c) Knowles legislative

scholarship program 867.2 867.2

(d) Other 4,816.7 4,816.7

Performance measures:

(a) Output: Percent of full-time-equivalent capacity enrolled each fall

term 96%

(b) Outcome: American college testing composite scores for graduating

high school seniors 22.1

(c) Efficiency: Percent of legislative scholarships (Knowles) awarded 100%

Subtotal 27,528.5

NEW MEXICO SCHOOL FOR THE BLIND AND VISUALLY IMPAIRED:

The purpose of the New Mexico school for the blind and visually impaired program is to provide the training, support and resources necessary to prepare blind and visually impaired children of New Mexico to participate fully in their families, communities and the workforce and to lead independent, productive lives.

Appropriations:

(a)	Instruction and general purposes	308.8	11,057.2	609.9	11,975.9
(b)	Early childhood center	400.0	60.0		460.0
(c)	Low vision clinic programs	19.0			19.0

Performance measures:

(a) Quality: Percent of parents' rating of overall quality of services as good or excellent based on annual survey 91%

(b) Output: Number of students receiving direct services through a full continuum of services 1,278

Subtotal 12,454.9

NEW MEXICO SCHOOL FOR THE DEAF:

The purpose of the New Mexico school for the deaf program is to provide a school-based comprehensive, fully-accessible and language-rich learning environment for its students who are deaf and hard-of-hearing and to work collaboratively with families, agencies and communities throughout the state to meet the unique communication, language and learning needs of children and youth who are deaf and hard-of-hearing.

Appropriations:

(a)	Instruction and general purposes	3,520.3	10,808.0	14,328.3
(b)	Statewide outreach services		253.7	253.7

Performance measures:

(a) Outcome: Percent of students in kindergarten through grade twelve demonstrating academic improvement across curriculum domains 75%

(b) Outcome: Rate of transition to postsecondary education, vocational-technical training schools, junior colleges, work training or employment for graduates based on a

three-year rolling average 93%

(c) Outcome: Percent of parents satisfied with educational services from

New Mexico school for the deaf 90%

Subtotal 14,582.0

TOTAL HIGHER EDUCATION 792,280.4 1,376,120.6 44,302.7 613,539.3
2,826,243.0

K. PUBLIC SCHOOL SUPPORT

Except as otherwise provided, unexpended balances of appropriations made in this subsection shall not revert at the end of fiscal year 2011.

PUBLIC SCHOOL SUPPORT:

(1) State equalization guarantee distribution:

The purpose of public school support is to carry out the mandate to establish and maintain a uniform system of free public schools sufficient for the education of, and open to, all the children of school age in the state.

Appropriations: 2,280,805.0 850.0 23,898.0 2,305,553.0

The rate of distribution of the state equalization guarantee distribution shall be based on a program unit value determined by the secretary of public education. The secretary of public education shall establish a preliminary unit value to establish budgets for the 2010-2011 school year and then, upon verification of the number of units statewide for fiscal year 2011 but no later than January 31, 2011, the secretary of public education may adjust the program unit value.

The secretary of public education, in collaboration with the department of finance and administration, office of education accountability, shall ensure [all] teachers have been evaluated under the tiered licensure evaluation system and have the professional competencies of the appropriate level. The secretary of public education shall withhold from the public school distribution funding for the minimum salary of any teacher who has not been evaluated. *LINE-ITEM VETO*

The secretary of public education, in collaboration with the department of finance and administration, office of education accountability, shall ensure [all] principals and assistant school principals have been evaluated under the highly objective uniform statewide standard of evaluation and have the professional competencies to serve as a principal or assistant principal. The secretary of public education shall withhold from the public school distribution funding for the minimum salary of any principal or assistant principal who has not been evaluated. *LINE-ITEM VETO*

After considering those elementary physical education programs eligible for state financial support and the amount of state funding available for elementary physical education, the secretary of public education shall annually determine the programs and the consequent number of students in elementary physical education that will be used to calculate the number of elementary physical education program units.

For the 2010-2011 school year, the state equalization guarantee distribution includes sufficient funding for school districts to implement a new formula-based program. Those districts shall use current year membership in the calculation of program units for the new formula-based program.

The general fund appropriation to the state equalization guarantee distribution reflects the deduction of federal revenue pursuant to Paragraph (2) of Subsection C of Section 22-8-25 NMSA 1978 that includes payments commonly known as "impact aid funds" pursuant to 20 USCA 7701 et seq., and formerly known as "PL874 funds".

The general fund appropriation to the public school fund shall be reduced by the amounts transferred to the public school fund from the current school fund and from the federal Mineral Lands Leasing Act receipts otherwise unappropriated.

Any unexpended balances in the authorized distributions remaining at the end of fiscal year 2011 from appropriations made from the general fund shall revert to the general fund.

Performance measures:

(a) Outcome: Annual percent of core academic subjects taught by highly qualified teachers, kindergarten through twelfth grade 100%

(b) Outcome: Percent of recent New Mexico high school graduates who take remedial courses in higher education at two-year and four-year schools 40%

(c) Outcome: Percent of fourth-grade students who achieve proficiency or above on the standards-based assessment in reading 74%

(d) Outcome: Percent of fourth-grade students who achieve proficiency or above on the standards-based assessment in mathematics 67%

(e) Outcome: Percent of eighth-grade students who achieve proficiency or above on the standards-based assessment in reading 72%

(f) Outcome: Percent of eighth-grade students who achieve proficiency or above on the standards-based assessment in mathematics 63%

(g) Quality: Current year's cohort graduation rate using four-year cumulative method 80%

(h) Quality: Current year's cohort graduation rate using five-year
cumulative method 80%

(2) Transportation distribution:

Appropriations:	98,335.5	98,335.5
-----------------	----------	----------

(3) Supplemental distribution:

Appropriations:

(a) Out-of-state tuition	346.0	346.0
--------------------------	-------	-------

(b) Emergency supplemental	2,000.0	2,000.0
----------------------------	---------	---------

Any unexpended balances in the supplemental distribution of the public education department remaining at the end of fiscal year 2011 from appropriations made from the general fund shall revert to the general fund.

Subtotal	2,406,234.5
----------	-------------

FEDERAL FLOW THROUGH:

Appropriations:	512,282.0	512,282.0
-----------------	-----------	-----------

Subtotal	512,282.0
----------	-----------

INSTRUCTIONAL MATERIALS:

(1) Instructional material fund:

Appropriations:	15,175.4	15,175.4
-----------------	----------	----------

The appropriation to the instructional material fund is from the federal Minerals Land Leasing Act (30 USCA 181, et seq.) receipts.

(2) Dual-credit instructional materials:

Appropriations:	1,000.0	1,000.0
-----------------	---------	---------

Subtotal	16,175.4
----------	----------

INDIAN EDUCATION FUND:

Appropriations:	2,000.0	2,000.0
-----------------	---------	---------

The general fund appropriation to the public education department for the Indian Education Act includes four hundred thousand dollars (\$400,000) for a nonprofit organization that provides teaching support in schools with a high proportion of Native American students.

The general fund appropriation to the public education department for the Indian Education Act includes four hundred thousand dollars (\$400,000) to provide a rural literacy initiative to support after-school and summer literacy block programs for students in kindergarten through eighth grade in schools with a high proportion of Native American students contingent on receipt of four hundred thousand dollars (\$400,000) in matching funds from other than state sources no later than September 30, 2010.

Subtotal			2,000.0		
TOTAL PUBLIC SCHOOL SUPPORT	2,399,661.9	850.0		536,180.0	2,936,691.9
GRAND TOTAL FISCAL YEAR 2011					
APPROPRIATIONS	5,372,156.3	3,005,885.2	885,292.5	5,919,427.4	15,182,761.4

Chapter 6 Section 5 Laws 2010 (2nd S.S.)

Section 5. **SPECIAL APPROPRIATIONS.**--The following amounts are appropriated from the general fund or other funds as indicated for the purposes specified. Unless otherwise indicated, the appropriation may be expended in fiscal years 2010 and 2011. Unless otherwise indicated, any unexpended balances of the appropriations remaining at the end of fiscal year 2011 shall revert to the appropriate fund.

(1) ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS:

Any unexpended balances remaining at the end of fiscal year 2010 or any year thereafter from revenues received by a district attorney or the administrative office of the district attorneys from the United States department of justice pursuant to the southwest border prosecution initiative shall not revert but shall remain with the recipient district attorney's office for expenditure in that or future fiscal years.

(2) DEPARTMENT OF FINANCE AND

ADMINISTRATION: 50.0 50.0

For the transition of the new administration in fiscal year 2011. Funds shall be released pursuant to state board of finance approval.

(3) SECRETARY OF STATE: 1,000.0 1,912.0 2,912.0

For the 2010 general election. Notwithstanding the provisions of Section 1-19A-10 NMSA 1978, the other state funds appropriation is from the public election fund.

(4) SECRETARY OF STATE: 500.0 217.7 717.7

For the 2010 primary election. Notwithstanding the provisions of Section 1-19A-10 NMSA 1978, the other state funds appropriation is from the public election fund.

(5) NEW MEXICO LIVESTOCK BOARD: 600.0 600.0

For livestock disease assessment, diagnosis, control and prevention.

~~[(6) ENERGY, MINERALS AND NATURAL~~

~~RESOURCES DEPARTMENT: 750.0 750.0~~

~~For Pecos canyon state park and other state park facilities to support maintenance and infrastructure improvements that benefit anglers and hunters. The department of game and fish is authorized to transfer seven hundred fifty thousand dollars (\$750,000) from the game protection fund to the energy, minerals and natural resources department.]~~

(7) HUMAN SERVICES DEPARTMENT:

Any unexpended balances remaining at the end of fiscal year 2010 from reimbursements received from the social security administration to support the general assistance program shall not revert but may be expended by the human services department in fiscal year 2011 for payments to recipients in the general assistance program.

(8) HUMAN SERVICES DEPARTMENT: 4,000.0 4,000.0

For caseload growth in cash assistance in the temporary assistance for needy families program in fiscal year 2011. The appropriation is from the temporary assistance for needy families block grant to New Mexico.

(9) WORKFORCE SOLUTIONS DEPARTMENT: 25,015.1
25,015.1

~~For enhancements to the unemployment insurance program and to fund phased implementation of the unemployment insurance tax system for expenditure through fiscal year 2012, contingent on receipt of federal funds available through the Assistance for Unemployed Workers and Struggling Families Act, Title II of Division B of Public Law 111-5, enacted February 17, 2009[, and the department providing an expenditure plan for review by the department of finance and administration and legislative finance committee and for approval by the New Mexico office of recovery and reinvestment and the information technology commission for funds being expended on information technology projects].~~ *LINE-ITEM VETO*

(10) WORKFORCE SOLUTIONS DEPARTMENT:

The period of time for expending the three million five hundred thousand dollars (\$3,500,000) in unexpended federal funds available through the American Recovery and Reinvestment Act contained in Subsection 46 of Section 5 of Chapter 124 of Laws 2009 is extended through fiscal year 2011 to complete enhancements to the unemployment insurance claims and interactive voice response systems.

(11) WORKFORCE SOLUTIONS DEPARTMENT: 7,007.5 7,007.5

~~To the unemployment insurance program for improvements and administrative costs, contingent on receipt of federal funds available through the Assistance for Unemployed Workers and Struggling Families Act, Title II of Division B of Public Law 111-5, enacted February 17, 2009[, and the department providing an expenditure plan for review by the department of finance and administration and legislative finance committee and approval by the New Mexico office of recovery and reinvestment].~~ *LINE-ITEM VETO*

(12) WORKFORCE SOLUTIONS DEPARTMENT:

The period of time for expending the two million five hundred thousand dollars (\$2,500,000) in unexpended federal funds available through the American Recovery and Reinvestment Act contained in Subsection 47 of Section 5 of Chapter 124 of Laws 2009 is extended through fiscal year 2011 to complete facility upgrades to department buildings statewide, including upgrades necessary to bring buildings into compliance with the Americans with Disabilities Act.

(13) CORRECTIONS DEPARTMENT: 800.0 800.0

For emergency repairs of state-owned correctional facilities. The appropriation is from the correction industries revolving fund, permanent fund or land grant income cash balances.

(14) DEPARTMENT OF TRANSPORTATION:

The other state funds and federal funds appropriations to the transportation and highway operations program of the department of transportation pertaining to prior fiscal years may be extended through fiscal year 2011, but not to exceed fifty million dollars (\$50,000,000).

(15) DEPARTMENT OF TRANSPORTATION:

The other state funds and federal funds appropriations to the programs and infrastructure program of the department of transportation pertaining to prior fiscal years may be extended through fiscal year 2011, but not to exceed four hundred million dollars (\$400,000,000).

(16) PUBLIC EDUCATION DEPARTMENT: 4,000.0 4,000.0

For emergency supplemental support in fiscal year 2011 to small rural school districts with a total membership of fewer than six hundred in their elementary, middle and high schools in financial need, but no money shall be distributed to any school district having cash and invested reserves, or other resources or any combination thereof, equaling five percent or more of the school district's operational budget. The general fund appropriation is from the separate account of the appropriation contingency fund dedicated for the purpose of implementing and maintaining educational reforms created in Section 12 of Chapter 114 of Laws 2004.

(17) PUBLIC EDUCATION DEPARTMENT: 6,000.0 6,000.0

For emergency support to school districts experiencing shortfalls. All requirements for distribution of supplemental funds shall be in accordance with Section 22-8-30 NMSA 1978. The appropriation is from the separate account of the appropriation contingency fund dedicated for the purpose of implementing and maintaining educational reforms created in Section 12 of Chapter 114 of Laws 2004.

TOTAL SPECIAL APPROPRIATIONS 11,550.0 4,279.7 36,022.6 51,852.3

Chapter 6 Section 6 Laws 2010 (2nd S.S.)

Section 6. **SUPPLEMENTAL AND DEFICIENCY APPROPRIATIONS.**--The following amounts are appropriated from the general fund, or other funds as indicated, for expenditure in fiscal year 2010 for the purposes specified. Disbursement of these amounts shall be subject to certification by the agency to the department of finance and administration [~~and the legislative finance committee~~] that no other funds are available in fiscal year 2010 for the purpose specified and approval by the department of finance and administration. Any unexpended balances remaining at the end of fiscal year 2010 shall revert to the appropriate fund. *LINE-ITEM VETO*

(1) HUMAN SERVICES DEPARTMENT: 3,700.0 3,700.0

For caseload growth in the temporary assistance for needy families program. The appropriation is from the temporary assistance for needy families block grant to New Mexico.

(2) HUMAN SERVICES DEPARTMENT:

The four million dollars (\$4,000,000) contained in Item 1 of Subsection A of Section 7 of Chapter 3 of Laws 2009 for the developmental disabilities medicaid waiver program shall not be expended for its original purpose but is reappropriated to cover a fiscal year 2010 shortfall in the medical assistance program for medicaid.

(3) HUMAN SERVICES DEPARTMENT:

The one million five hundred thousand dollars (\$1,500,000) contained in Item 2 of Subsection A of Section

7 of Chapter 3 of Laws 2009 to enhance behavioral health services for individuals through age eighteen with behavioral health care needs who are enrolled in the medicaid program or the state children health insurance program shall not be expended for its original purpose but is reappropriated to cover a fiscal year 2010 shortfall in the medical assistance program for medicaid.

TOTAL SUPPLEMENTAL AND DEFICIENCY APPROPRIATIONS 3,700.0 3,700.0

Chapter 6 Section 7 Laws 2010 (2nd S.S.)

Section 7. **DATA PROCESSING APPROPRIATIONS.**--The following amounts are appropriated from the computer systems enhancement fund, or other funds as indicated, for the purposes specified. Unless otherwise indicated, the appropriation may be expended in fiscal years 2010, 2011 and 2012. Unless otherwise indicated, any unexpended balances remaining at the end of fiscal year 2012 shall revert to the computer systems enhancement fund or other funds as indicated. For executive branch agencies, the department of finance and administration shall allocate amounts from the funds for the purposes specified upon receiving certification and supporting documentation from the state chief information officer that indicates compliance with the project certification process. The judicial information systems council shall certify compliance to the department of finance and administration for judicial branch projects. For executive branch agencies, all hardware and software purchases funded through appropriations made in Sections 4, 5, 6 and 7 of this act shall be procured using consolidated purchasing led by the state chief information officer and state purchasing division to achieve economies of scale and to provide the state with the best unit price.

(1) ADMINISTRATIVE OFFICE OF THE COURTS: 895.0 895.0

To continue the implementation of the statewide case management system with electronic filing and electronic filing interfaces. The appropriation is from an increase to the civil filing fee.

(2) ADMINISTRATIVE OFFICE OF THE COURTS:

The period of time for expending the two million dollars (\$2,000,000) appropriated from the general fund contained in Subsection 2 of Section 7 of Chapter 3 of Laws 2008 to include the Bernalillo county metropolitan court in the implementation of the statewide integrated and consolidated case management system with electronic document management and electronic filing capabilities is extended through fiscal year 2012.

(3) TAXATION AND REVENUE DEPARTMENT: 8,300.0 8,300.0

To replace the 30-year-old common business oriented language-based driver and vehicle systems. The appropriation is from cash balances and revenues.

(4) TAXATION AND REVENUE DEPARTMENT:

The period of time for expending the two million seven hundred fifty-two thousand five hundred dollars (\$2,752,500) appropriated from the motor vehicle cash balances contained in Subsection 9 of Section 7 of Chapter 3 of Laws 2008 to implement point-of-sale at all motor vehicle offices is granted a final extension through fiscal year 2012.

(5) TAXATION AND REVENUE DEPARTMENT:

The period of time for expending the four million one hundred twenty thousand dollars (\$4,120,000) appropriated from the general fund contained in Subsection 5 of Section 7 of Chapter 3 of Laws 2008 to begin the replacement of the common business oriented language-based motor vehicle and driver systems is granted a final extension through fiscal 2012.

(6) GENERAL SERVICES DEPARTMENT: 1,100.0 1,100.0

To complete electronic content management and electronic document imaging in the risk management division. Five hundred thousand dollars (\$500,000) is from the workers' compensation retention fund, five hundred thousand dollars (\$500,000) is from the public liability fund and one hundred thousand dollars (\$100,000) is from the public property reserve fund.

(7) DEPARTMENT OF INFORMATION TECHNOLOGY:

The four million eight hundred thousand dollars (\$4,800,000) appropriated from the computer systems enhancement fund contained in Subsection 6 of Section 7 of Chapter 109 of Laws 2006 as extended by Subsection 11 of Section 7 of Chapter 28 of Laws 2007 as extended by Subsection 15 of Section 7 of Chapter 3 of Laws 2008 to continue telecommunication infrastructure in the southeast quadrant of New Mexico shall not be expended for its original purpose but is reappropriated to expand telecommunication capabilities throughout the state, including the southeast quadrant, and to provide a match for federal broadband technology grants.

(8) STATE COMMISSION OF PUBLIC RECORDS:

The period of time for expending the one hundred fifty thousand dollars (\$150,000) appropriated from the general fund contained in Subsection 16 of Section 7 of Chapter 3 of Laws 2008 to implement a commercial off-the-shelf centralized records repository system with assistance from the department of information technology is granted a final extension through fiscal year 2012.

(9) REGULATION AND LICENSING DEPARTMENT:

The period of time for expending the one hundred seventeen thousand four hundred dollars (\$117,400) appropriated from the real estate commission fund contained in Subsection 15 of Section 7 of Chapter 28 of Laws of 2007 as extended by Subsection 20 of Section 7 of Chapter 3 of Laws 2008 to upgrade license 2000 for real estate commission needs is granted a final extension through fiscal year 2012.

(10) COMMISSIONER OF PUBLIC LANDS: 1,335.0 1,335.0

To procure and implement a land management system for management of public lands. The appropriation is from the state lands maintenance fund.

(11) COMMISSIONER OF PUBLIC LANDS:

The three hundred thirty-three thousand dollars (\$333,000) from the state lands maintenance fund contained in Subsection 7 of Section 7 of Chapter 3 of Laws 2008 to begin replacement of the oil and natural gas accounting and reporting database with commercial off-the-shelf solutions shall not be expended for its original purpose but is reappropriated to procure and implement a land management system.

(12) HUMAN SERVICES DEPARTMENT:

The period of time for expending the two million dollars (\$2,000,000) appropriated from the computer systems enhancement fund contained in Subsection 19 of Section 7 of Chapter 28 of Laws 2007 as extended by Subsection 26 of Section 7 of Chapter 3 of Laws 2008 to consolidate the eligibility determination across state agencies, including screening, intake, application processing, assessment, scheduling and referrals is granted a final extension through fiscal year 2012.

(13) HUMAN SERVICES DEPARTMENT:

The period of time for expending the one million five hundred thousand dollars (\$1,500,000) appropriated from the computer systems enhancement fund and the four million five hundred thousand dollars (\$4,500,000) in federal funds contained in Subsection 21 of Section 7 of Chapter 28 of Laws 2007 as extended by Subsection 27 of Section 7 of Chapter 3 of Laws 2008 to continue the replacement of the income support division computer system is granted a final extension through fiscal year 2012.

(14) HUMAN SERVICES DEPARTMENT:

The one million nine hundred thousand dollars (\$1,900,000) contained in Section 1 of Chapter 6 of Laws 2008 (2nd S.S.) for the low income home energy assistance program shall not be expended for its original purpose but is reappropriated to continue replacement of the income support division computer system.

(15) WORKFORCE SOLUTIONS DEPARTMENT:

The period of time for expending the three million five hundred thousand dollars (\$3,500,000) from the Job Creation and Worker Assistance Act of 2002 and Section 903 of the Social Security Act, as amended, also known as the federal Reed Act, and made available to the New Mexico workforce solutions department in Subsection 21 of Section 7 of Chapter 33 of Laws 2005 as extended by Subsection 18 of Section 7 of Chapter 109 of Laws 2006 as extended by Subsection 23 of Section 7 of Chapter 28 of Laws 2007 as extended by Subsection 28 of Section 7 of Chapter 3 of Laws 2008 as extended by Subsection 9 of Section 7 of Chapter 124 of Laws 2009 to meet federal accounting and reporting requirements not addressed by the base component of the statewide human resources, accounting and management reporting system project is extended through fiscal year 2012.

(16) WORKFORCE SOLUTIONS DEPARTMENT:

The unexpended balance of the twelve million five hundred thousand dollars (\$12,500,000) in unexpended federal Reed Act funds originally appropriated in Subsection 13 of Section 7 of Chapter 76 of Laws 2003 and changed or extended in Subsection 20 of Section 7 of Chapter 33 of Laws 2005, Subsection 19 of Section 7 of Chapter 109 of Laws 2006, Subsection 23 of Section 7 of Chapter 28 of Laws 2007 and Subsection 9 of Section 7 of Chapter 124 of Laws 2009 may be expended through fiscal

year 2012 for the purpose of working toward the implementation of the unemployment insurance tax system. The appropriation is from federal Reed Act and federal Economic Security Recovery Act of 2001 funds.

(17) DEPARTMENT OF PUBLIC SAFETY:

The period of time for expending the three million dollars (\$3,000,000) appropriated from the computer systems enhancement fund contained in Subsection 30 of Section 7 of Chapter 28 of Laws 2007 as extended by Subsection 33 of Section 7 of Chapter 3 of Laws 2008 to replace the system that centrally captures criminal information, provides access to federal bureau of investigation files and provides law enforcement agencies with the ability to communicate with each other using a commercial off-the-shelf solution is granted a final extension through fiscal year 2012.

TOTAL DATA PROCESSING APPROPRIATIONS	11,630.0
11,630.0	

Chapter 6 Section 8 Laws 2010 (2nd S.S.)

Section 8. **ADDITIONAL FISCAL YEAR 2010 BUDGET ADJUSTMENT**

AUTHORITY.--During fiscal year 2010, subject to review and approval by the department of finance and administration, pursuant to Sections 6-3-23 through 6-3-25 NMSA 1978, in addition to the budget adjustment authority in the General Appropriation Act of 2009:

A. each agency, except for the department of public safety, may request program transfers between the personal services and employee benefits category of one program to the personal services and employee benefits category of another program;

B. the judicial standards commission may request budget increases up to thirty thousand dollars (\$30,000) from other state funds received from investigation and trial cost reimbursements from respondents;

C. the administrative office of the courts may request budget increases up to two hundred thousand dollars (\$200,000) from internal service funds/interagency transfers from the supreme court automation fund and may request budget increases up to three hundred thousand dollars (\$300,000) from internal service funds/interagency transfers from filing fees collected by the courts, may request budget increases up to two hundred thousand dollars (\$200,000) from the magistrate and metropolitan court capital projects fund to secure, furnish and equip magistrate court facilities once the New Mexico finance authority determines the court facilities fund will have sufficient funds to pay the metropolitan court debt service;

D. the second judicial district court may request budget increases up to one hundred thousand dollars (\$100,000) from other state funds received from arbitration and may request budget increases up to one hundred seventy-five thousand

dollars (\$175,000) from other state funds received from mediation revenues and supervised visitation fees;

E. the fourth judicial district court may request budget increases up to ten thousand dollars (\$10,000) from other state funds from duplication fees;

F. the ninth judicial district court may request budget increases up to ten thousand dollars (\$10,000) from other state funds from drug court filing fees;

G. the tenth judicial district court may request budget increases up to ten thousand dollars (\$10,000) from other state funds from copy and tape duplication fees and may request budget increases up to ten thousand dollars (\$10,000) from internal service funds/interagency transfers from the mediation fund;

H. the eleventh judicial district court may request budget increases up to twenty thousand dollars (\$20,000) from other state funds for drug court mediation;

I. the Bernalillo county metropolitan court may request budget increases up to twenty-three thousand dollars (\$23,000) from internal service funds/interagency transfers to transfer to the court facilities fund;

J. the second judicial district attorney may request budget increases up to one hundred ninety thousand dollars (\$190,000) from internal service funds/interagency transfers and other state funds;

K. the medicaid fraud program of the attorney general may request budget increases up to two hundred thousand dollars (\$200,000) from other state funds for court reporting services, witness fees, transcription fees and supplies related to active cases in medicaid fraud;

L. the legal services program of the attorney general may request budget increases up to one hundred fifty thousand dollars (\$150,000) from other state funds for discovery costs for tobacco arbitration provided that the revenue expended shall be solely from settlements that authorize consumer issues;

M. the property tax program of the taxation and revenue department may request budget increases up to five hundred thousand dollars (\$500,000) from other state funds to cover a shortfall in personal services and employee benefits, advertising delinquent tax sales and an unanticipated court settlement;

N. the economic development department may request program transfers up to two hundred fifty thousand dollars (\$250,000) between programs within the personal services and employee benefits category;

O. the private investigations advisory board of the regulation and licensing department may request budget increases up to two hundred eighty-five thousand (\$285,000) from other state funds for costs associated with background investigations;

P. the cultural affairs department may request budget increases up to one million five hundred thousand dollars (\$1,500,000) from internal service funds/interagency transfers and other state funds;

Q. the income support program of the human services department may request budget increases up to five hundred seventy-five thousand dollars (\$575,000) from other state funds for reimbursements received from the social security administration for payments to recipients in the general assistance program;

R. the department of health may request budget increases from fund balance for newborn screening, may request budget increases from fund balance for the Emergency Medical Services Fund Act and the public health program of the department of health may request budget increases up to one million seven hundred fifty thousand dollars (\$1,750,000) from other state funds from formula rebate revenue for the women, infants and children program;

S. the health certification, licensing and oversight program of the department of health may request budget increases up to five hundred thousand dollars (\$500,000) from internal service funds/interagency transfers from the human services department for receivership;

T. the juvenile justice facilities program of the children, youth and families department may request budget increases up to one million six hundred thousand dollars (\$1,600,000) from other state funds from distributions from the land grant permanent and land income funds;

U. the department of military affairs may request program transfers up to five hundred thousand dollars (\$500,000) between the national guard support program and the crisis response program;

V. the corrections department may request program transfers if the cumulative effect of a requested program transfer, together with all program transfers previously requested and approved pursuant to this subsection, will not increase or decrease the total annual appropriation to a program from the general fund by more than four percent;

W. the department of transportation may request program transfers between the transportation and highway operations program, programs and infrastructure program, and program support to match federal funds for road construction and to settle construction lawsuit settlements and claims and the programs and infrastructure program of the department of transportation may request budget

increases up to ten million dollars (\$10,000,000) from other state funds to match with federal funds for construction costs;

X. the higher education department may request budget increases from internal service funds/interagency transfers from Wallace foundation grant revenue transferred from the department of finance and administration.

Chapter 6 Section 9 Laws 2010 (2nd S.S.)

Section 9. CERTAIN FISCAL YEAR 2011 BUDGET ADJUSTMENTS AUTHORIZED.--

A. As used in this section and Section 8 of the General Appropriation Act of 2010:

(1) "budget category" means an item or an aggregation of related items that represents the object of an appropriation. Budget categories include personal services and employee benefits, contractual services, other and other financing uses;

(2) "budget increase" means an approved increase in expenditures by an agency from a specific source;

(3) "category transfer" means an approved transfer of funds from one budget category to another budget category, provided that a category transfer does not include a transfer of funds between divisions; and

(4) "program transfer" means an approved transfer of funds from one program of an agency to another program of that agency.

B. Pursuant to Sections 6-3-23 through 6-3-25 NMSA 1978, those budget adjustments specified in this section are authorized for fiscal year 2011.

C. In addition to the specific category transfers authorized in Subsection F of this section and unless a conflicting category transfer is authorized in Subsection E of this section, all agencies, including legislative agencies, may request category transfers among personal services and employee benefits, contractual services and other.

D. An agency [~~specified in paragraph (4) of this subsection~~] to which an appropriation for a capital outlay project has been made by an act of the second session of the forty-ninth legislature or a previous legislative session may, by agreement, transfer all or a portion of the appropriation to another agency [~~specified in paragraph (4) of this subsection~~] if the receiving agency is granted a budget adjustment for the transferred appropriation pursuant to Sections 6-3-23 through 6-3-25 NMSA 1978. The following provisions shall govern a budget adjustment request made pursuant to this subsection: *LINE-ITEM VETO*

(1) a budget adjustment request shall only be approved pursuant to a certification from the transferring and receiving agencies and upon a finding by the department of finance and administration that:

(a) the receiving agency can more effectively or efficiently administer the appropriation, due to the receiving agency's regulatory or programmatic responsibilities or other subject matter expertise;

(b) the receiving agency has received other appropriations for the same purpose or project and placing the related appropriations with a single agency will result in administrative efficiencies; or

(c) substantive law requires the receiving agency to own, control, operate or maintain property that is the subject of the appropriation;

(2) a budget adjustment authorized by this subsection is in addition to other budget adjustments authorized by law and is not subject to the limitation of Subsection E of this section or any similar provision;

(3) once implemented, the budget adjustment shall be effective for and during the fiscal years in which the transferred appropriation may be expended[; and

~~(4) a budget adjustment may be requested pursuant to this subsection only if both the transferring agency and the receiving agency are among the following:~~

~~(a) the children, youth and families department;~~

~~(b) the corrections department;~~

~~(c) the local government division of the department of finance and~~

~~administration;~~

~~(d) the property control division of the general services department;~~

~~(e) the cultural affairs department;~~

~~(f) the department of health;~~

~~(g) the state fair commission;~~

~~(h) the public education department;~~

~~(i) the Indian affairs department;~~

~~(j) the economic development department; or~~

~~(k) the aging and long-term services department]. LINE-~~

ITEM VETO

E. Unless a conflicting budget increase is authorized in Subsection F of this section, a program with internal service funds/interagency transfers appropriations or other state funds appropriations that collects money in excess of those appropriated may request budget increases in an amount not to exceed five percent of its internal service funds/interagency transfers or other state funds appropriation contained in Section 4 of the General Appropriation Act of 2010. To track the five percent transfer limitation, agencies shall report cumulative budget adjustment request totals on each budget request submitted. The department of finance and administration shall certify agency reporting of these cumulative totals.

F. In addition to the budget authority otherwise provided in the General Appropriation Act of 2010, the following agencies may request specified budget adjustments:

(1) the judicial standards commission may request budget increases up to thirty thousand dollars (\$30,000) from other state funds from investigation and trial cost reimbursements from respondents;

(2) the administrative office of the courts may request budget increases up to two hundred thousand dollars (\$200,000) from other state funds from the supreme court automation fund;

(3) the second judicial district court may request budget increases up to one hundred thousand dollars (\$100,000) from other state funds and internal service funds/interagency transfers from arbitration revenues and may request budget increases up to one hundred seventy-five thousand dollars (\$175,000) from other state funds and internal service funds/interagency transfers from mediation and supervised visitation fees;

(4) the Bernalillo county metropolitan court may request budget increases up to two hundred thousand dollars (\$200,000) from internal service funds/interagency transfers and other state funds for pre- and post-adjudication services;

(5) the first judicial district attorney may request budget increases from internal service funds/interagency transfers and other state funds for funds received from any political subdivision of the state or from Indian tribes and may request budget increases up to one hundred twenty-five thousand dollars (\$125,000) from internal service funds/interagency transfers to prosecute tax crimes statewide;

(6) the second judicial district attorney may request budget increases up to fifty thousand dollars (\$50,000) from other state funds for attorney bar dues and may request budget increases up to six hundred thousand dollars (\$600,000) from internal service funds/interagency transfers and other state funds for personal services and employee benefits and contractual services;

(7) the eleventh judicial district attorney-division I may request budget increases up to one hundred fifty thousand dollars (\$150,000) from internal service funds/interagency transfers and other state funds;

(8) the eleventh judicial district attorney-division II may request budget increases up to four hundred thousand dollars (\$400,000) from internal service funds/interagency transfers and other state funds received from any political subdivision of the state or from Indian tribes to assist in the prosecution of crimes within McKinley county;

(9) the thirteenth judicial district attorney may request budget increases from internal service funds/interagency transfers and other state funds for funds received from any political subdivision of the state or from Indian tribes;

(10) the administrative office of the district attorneys may request budget increases up to fifty thousand dollars (\$50,000) from other state funds for costs associated with the district attorneys training conference and may request budget increases up to two thousand dollars (\$2,000) from other state funds from miscellaneous revenue collected from nondistrict attorney employee registration fees to pay for conference-related expenses;

(11) the state investment council may request budget increases up to two million dollars (\$2,000,000) from other state funds for investment manager fees and custody fees, provided that this amount may be exceeded if the department of finance and administration approves a certified request from the state investment council that additional increases from other state funds are required for increased investment manager fees and custody fees and may request transfers to any other category except that only five hundred thousand dollars (\$500,000) of the money appropriated for investment manager fees in the contractual services category may be transferred;

(12) the public school insurance authority may request budget increases from internal service funds/interagency transfers, other state funds and fund balances for program support and the benefits and risk programs;

(13) the health care benefits administration program of the retiree health care authority may request budget increases from other state funds for the benefits program;

(14) the general services department may request budget increases from internal service funds/interagency transfers in an amount not to exceed fifteen percent of the appropriation for the risk management programs if it collects revenue in excess of appropriated levels;

(15) the educational retirement board may request budget increases from other state funds for investment manager fees, custody fees and investment-related legal fees, provided the department of finance and administration approves a certified request from the educational retirement board that additional increases from other state funds are required for increased investment manager fees, custody fees and investment-related legal fees, and may request category transfers, except that funds authorized for investment manager fees, custody services and investment-related legal fees within the contractual services category of the administrative services division of the educational retirement board shall not be transferred;

(16) the public defender department may request budget increases up to five hundred thousand dollars (\$500,000) from internal service funds/interagency transfers and other state funds;

(17) the department of information technology may request budget increases up to one million dollars (\$1,000,000) from fund balances for the telecommunication, information processing and statewide human resources, accounting and management reporting system;

(18) the public employees retirement association may request budget increases from other state funds for investment manager fees, custody fees and investment-related legal fees, provided that the department of finance and administration approves a certified request from the public employees retirement association that additional increases from other state funds are required for increased investment manager fees, custody fees and investment-related legal fees, may request category transfers, except that funds authorized for investment manager fees, custody fees and investment-related legal fees within the contractual services category of the administrative division of the public employees retirement association shall not be transferred, and may request budget increases from other state funds to meet emergencies or unexpected physical plant failures that might impact the health and safety of workers or visitors to the agency;

(19) the New Mexico magazine program of the tourism department may request budget increases up to two hundred thousand dollars (\$200,000) from other state funds from earnings on sales and the tourism development program of the department of tourism may request budget increases up to thirty thousand dollars (\$30,000) from internal service funds/interagency transfers from earnings from route 66 commemorative license plate sales to implement a joint powers agreement among the tourism department, department of transportation and the taxation and revenue department;

(20) the private investigations advisory board of the regulation and licensing department may request budget increases up to two hundred eighty-five thousand dollars (\$285,000) from other state funds for background investigation costs;

(21) the public regulation commission may request budget increases for the office of the state fire marshal from the training academy use fee fund and the patient's compensation program of the public regulation commission may request budget increases up to two million dollars (\$2,000,000) from fund balances for patient's compensation expenses;

(22) the New Mexico medical board may request budget increases up to fifty thousand dollars (\$50,000) from other state funds for the administrative hearing and litigation process;

(23) the New Mexico state fair may request budget increases from unforeseen internal service funds/interagency transfers and other state funds;

(24) the preservation program of the cultural affairs department may request budget increases from internal service funds/interagency transfers and other state funds for archaeological services;

(25) the department of game and fish may request program transfers up to two hundred fifty thousand dollars (\$250,000) between programs, may request budget adjustments specific to capital projects and may request operating transfers received from other agencies in excess of the five percent budget increase limitation and may request budget increases up to three hundred fifty thousand dollars (\$350,000) from other state funds for costs associated with the planning, design and construction of breakwater barriers located on Elephant Butte reservoir;

(26) the energy, minerals and natural resources department may request program transfers up to five hundred thousand dollars (\$500,000) between programs and may request budget increases from internal service funds/interagency transfers for capital projects, the oil and gas conservation program may request budget increases up to two hundred thousand dollars (\$200,000) from internal service funds/interagency transfers for operational expenses, may request budget transfers to and from other financing uses to transfer funds to the department of environment for the underground injection program, may request budget increases from internal service funds/interagency transfers from funds received from the department of environment for the water quality program and may request budget increases from other state funds from the oil and gas reclamation fund to close abandoned wells, the healthy forests, state parks and renewable energy and energy efficiency programs may request increases from internal service funds/interagency transfers from the New Mexico youth conservation corps fund for projects approved by the New Mexico youth conservation corps commission and may request budget increases up to five hundred thousand dollars (\$500,000) from internal service funds/interagency transfers and other state funds for clean energy and energy conservation program projects, the state parks

program may request budget increases up to five hundred thousand dollars (\$500,000) from other state funds and internal service funds/interagency transfers for operational expenses, maintenance and capital equipment replacements and may request budget increases from internal service funds/interagency transfers for outdoor classroom projects, the healthy forests program may request budget increases up to five hundred thousand dollars (\$500,000) from other state funds for costs associated with the inmate work camp program and conservation planting revolving fund and the leadership and support program may request budget increases up to one hundred fifty thousand dollars (\$150,000) from internal service funds/interagency transfers for operational expenses;

(27) the office of the state engineer may request budget increases up to two hundred fifty thousand dollars (\$250,000) from internal service funds/interagency transfers from the department of finance and administration for multi-stakeholder planning for implementation of the New Mexico portion of the Arizona Water Settlements Act of 2004, may request budget increases up to one hundred twenty thousand dollars (\$120,000) from internal service funds/interagency transfers from the Ute construction fund to continue with managing and participating in the Ute reservoir master plan development or other operational requirements at Ute reservoir, may request budget increases up to one hundred thousand dollars (\$100,000) from other state funds from contractual services reimbursements for water modeling supply studies and may request budget increases up to eighty thousand dollars (\$80,000) from the bureau of reclamation for the operation and maintenance costs of the Vaughn pipeline;

(28) the organic commodity commission may request budget increases up to thirty thousand dollars (\$30,000) from other state funds;

(29) the commission on the status of women may request budget increases up to one hundred thousand dollars (\$100,000) from other state funds for the statutorily mandated recognition program for women and may request budget increases up to one hundred thousand dollars (\$100,000) from internal service funds/interagency transfers to support the office of the governor's council on women's health;

(30) the aging and long-term services department may request program transfers up to five hundred thousand dollars (\$500,000) from all programs to the adult protective services program, aging network program and the long-term services program and the long-term services program may request category transfers up to five hundred thousand dollars (\$500,000) to other financing uses to meet medicaid match requirements;

(31) the human services department may request program transfers between the medical assistance program and the medicaid behavioral health program;

(32) the division of vocational rehabilitation may request budget increases up to two hundred thousand dollars (\$200,000) from other state funds to maintain services to clients;

(33) the developmental disabilities planning council program of the developmental disabilities planning council may request budget increases up to five hundred thousand dollars (\$500,000) from internal service funds/interagency transfers and may request budget increases from other state funds from revenue from the sale of training modules and materials in the brain injury advisory council program and the consumer services program;

(34) the miners' hospital of New Mexico may request budget increases from other state funds;

(35) the department of health may request program transfers between the public health program, epidemiology and response program, laboratory services program, facilities management program, health certification, licensing and oversight program and administration program within the personal services and employee benefits category and the department of health may request budget increases from other state funds from health facility license and certification fees pursuant to Subsection G of Section 24-1-5 NMSA 1978 and may request budget increases from other state funds related to private insurer payments for services provided through the public health and family infant toddler programs;

(36) the department of environment may request program transfers up to five hundred thousand dollars (\$500,000) among programs, may request budget increases from other state funds for responsible party payments, may request budget increases from other state funds up to four hundred thousand dollars (\$400,000) from revenues and interest accrued in the solid waste facility grant fund for issuing grants to establish or modify solid waste facilities or for contracting for solid waste services, may request budget increases from other state funds from the corrective action fund to pay claims, may request budget increases from other state funds from the hazardous waste emergency fund, may request budget increases from internal service funds/interagency transfers from funds from the office of the natural resources trustee to be used for restoration of the Mountain View nitrate plume site, the water quality program may request budget increases up to one hundred ten thousand dollars (\$110,000) from internal service funds/interagency transfers to prepare for potential litigation with Texas on water issues, and the water and wastewater infrastructure development program may request budget increases up to one hundred eighty thousand dollars (\$180,000) from other state funds for providing technical services related to the drinking water state revolving loan fund, water and wastewater project grant fund and local government planning fund programs;

(37) the office of the natural resources trustee may request budget increases up to one million dollars (\$1,000,000) from internal service funds/interagency transfers and other state funds for restoration projects and may request budget increases from other state funds for restoration projects equal to any fines for damages resulting from a settlement;

(38) the children, youth and families department may request program transfers within the personal services and employee benefits category;

(39) the program support of the department of public safety may request budget increases from internal service funds/interagency transfers and other state funds from fingerprint fees and records fees collected in excess of those budgeted and the law enforcement program of the department of public safety may request budget increases from revenues collected in excess of those budgeted from the law enforcement training and recruiting fund;

(40) the department of transportation may request budget increases up to two hundred fifty thousand dollars (\$250,000) from other state funds for administrative costs as allowed in Subsection E of Section 2 of Chapter 3 of Laws 2007 first special session and may request program transfers between the transportation and highway operations program and the infrastructure program to fund costs in both programs related to engineering, construction and maintenance activities;

(41) the public school facilities authority may request budget increases for project management expenses pursuant to the Public School Capital Outlay Act; and

(42) the higher education department may request transfers to and from the other financing uses category.

F. the department of military affairs, the homeland security and emergency management department, the department of public safety, and the energy, minerals and natural resources department may request budget increases from the general fund as required by an executive order declaring a disaster or emergency.

Chapter 6 Section 10 Laws 2010 (2nd S.S.)

Section 10. APPROPRIATION REDUCTIONS.--

A. The general fund appropriations in Section 4 of the General Appropriation Act of 2010 are reduced as follows:

(1) the general fund appropriations to each of the public educational institutions in Subsection J of Section 4 are reduced by five hundred forty-four thousandths percent, provided that:

(a) the higher education department shall calculate the reduction for each institution; and

(b) each institution shall determine how the reduction is allocated among expenditure categories;

(2) the general fund appropriations to each of the judicial agencies, the supreme court, the court of appeals, each of the district courts and the Bernalillo county metropolitan court are reduced by five hundred forty-four thousandths percent, provided that:

(a) the administrative office of the courts shall calculate the reduction for each agency and court; and

(b) each agency and court shall determine how the reduction is allocated among expenditure categories;

(3) the general fund appropriations to each of the district attorneys and the administrative office of the district attorneys are reduced by five hundred forty-four thousandths percent, provided that:

(a) the administrative office of the district attorneys shall calculate the reduction for each district attorney; and

(b) each district attorney shall determine how the reduction is allocated among expenditure categories;

(4) public school support is reduced as follows:

(a) the state equalization guarantee distribution by five hundred forty-four thousandths percent;

(b) the transportation distribution, including operational, school-owned bus replacements and rental fees, by five hundred forty-four thousandths percent; and

(c) the supplemental distribution, including out-of-state tuition and emergency supplemental; the instructional material fund; dual-credit instructional materials; the Indian education fund; public education department special appropriations; and apprenticeship assistance by five hundred forty-four thousandths percent;

(5) except for the general fund appropriation in the other financing uses category of the developmental disabilities support program at the department of health and the general fund appropriations in the other category of the medical assistance program and the other category of the medical behavioral health program at the human services department, which appropriations shall not be reduced, the other general fund appropriations to the department of health and the human services department are reduced by five hundred forty-four thousandths percent, provided that:

(a) the department of finance and administration shall calculate the reduction for each agency; and

(b) each agency shall determine how the reduction is allocated among expenditure categories; and

(6) the general fund appropriations to each of the other state agencies are reduced by five hundred forty-four thousandths percent, provided that:

(a) the department of finance and administration shall calculate the reduction for each agency; and

(b) each agency shall determine how the reduction is allocated among expenditure categories.

B. The general fund appropriations to each of the legislative agencies in Laws 2010, Chapter 1, Subsection A of Section 3 and 4, 5, 7 and 8 are reduced by five hundred forty-four thousandths percent, provided that:

(1) the New Mexico legislative council shall calculate the reduction for each legislative agency; and

(2) each legislative agency shall determine how the reduction is allocated among expenditure categories.

C. The general fund appropriations in Section 4 of the General Appropriation Act of 2010 are further reduced as follows:

(1) to agencies affected by reduced telecommunications rates a total of five hundred thousand dollars (\$500,000) to reflect reduced department of information technology telecommunications rates;

(2) to agencies affected by reduced premiums a total of one million nine hundred seventy-eight thousand six hundred dollars (\$1,978,600) to reflect reduced general services department risk management division public liability and property premiums;

(3) to agencies affected by reduced assessments a total of three hundred sixty-six thousand eight hundred dollars (\$366,800) to reflect reduced department of information technology statewide human resources, accounting and management reporting system assessments;

(4) to agencies covered by a state system employing persons who have retired from a state system and returned to work without suspending their retirement a total of one million four hundred thousand dollars (\$1,400,000) to reflect savings resulting from legislation that prohibits new retirees returning to work for an agency covered by a state system without suspending their retirement and requires existing retirees who have returned to work to pay the employee contribution. This reduction is contingent on enactment of Senate Floor Substitute for Senate Bill 207

passed by the second session of the forty-ninth legislature. As used in this paragraph, "state system" means a retirement program provided for in the Public Employees Retirement Act, the Magistrate Retirement Act or the Judicial Retirement Act;

(5) a total of three million one hundred forty-two thousand three hundred dollars (\$3,142,300) is reduced from those agencies that have savings realized by not filling vacant exempt employee positions. Pursuant to Subsection D of this Section, the state budget division of the department of finance and administration shall identify the amount for each agency and reduce the operating budget accordingly; and

(6) to agencies affected by the ~~[elimination of the]~~ employee assistance program a total of two hundred thousand dollars (\$200,000) from the personal services and employee benefits category. *LINE-ITEM VETO*

D. In order to effectuate the reductions made in this section, the state budget division of the department of finance and administration shall reduce the operating budget of each agency affected by a reduction.

Chapter 6 Section 11 Laws 2010 (2nd S.S.)

Section 11. **FISCAL YEAR 2010 REVERSIONS TO IMPLEMENT EXECUTIVE ORDER 2009-044.**--Notwithstanding any other provision of the General Appropriation Act of 2009 or other laws concerning the timing of reversions or the nonreverting status of funds to the contrary, agencies listed in Subsection A of Section 1 of Executive Order 2009-044 shall revert to the general fund on June 30, 2010, an amount equal to the sum of (1) the expenditure savings requirements for the agency set forth in Subsection A of Section 1 of the executive order and (2) the amount of personal services and employee benefit savings from the general fund at the agency to be realized pursuant to the furlough plan adopted pursuant to Section 2 of the executive order.

Chapter 6 Section 12 Laws 2010 (2nd S.S.)

~~[Section 12. **AMERICAN RECOVERY AND REINVESTMENT ACT APPROPRIATIONS.**--For fiscal year 2011, from the public safety and other government services allocation from the federal American Recovery and Reinvestment Act of 2009, fifteen million dollars (\$15,000,000) shall be distributed to school districts and charter schools through the state equalization guarantee distribution, and ten million dollars (\$10,000,000) shall be distributed to all state agencies to offset the reductions in Section 10 of the General Appropriation Act of 2010, provided that the distribution shall be made in the same proportion as the reductions.~~

Chapter 6 Section 13 Laws 2010 (2nd S.S.)

Section 13. ~~**VACANCIES--AUTHORITY TO DELETE.**--Notwithstanding the full-time equivalents set out in Section 4 of the General Appropriation Act of 2010, the state~~

~~personnel office is directed to review all authorized unfunded positions and agency vacancy rates and eliminate one thousand nine hundred positions covered by the state personnel system prior to July 1, 2010. The state personnel office shall report to the legislative finance committee by July 1, 2010 on the positions eliminated.]~~ *LINE-ITEM VETO*

Chapter 6 Section 14 Laws 2010 (2nd S.S.)

Section 14. AUTHORITY TO REDUCE ALLOTMENTS.--

A. During fiscal year 2011, the department of finance and administration shall regularly consult with the legislative finance committee staff to compare revenue collections with the revenue estimate. If a general fund consensus revenue forecast projects that revenues and transfers to the general fund, including all transfers authorized pursuant to Section 15 of the General Appropriation Act of 2010, will be insufficient to meet general fund appropriations for fiscal year 2011, the governor, with the approval of the state board of finance and after review and an opportunity to comment by the legislative finance committee, shall reduce general fund allotments to all agencies, funds, programs and other recipients that receive a general fund appropriation in Section 4 of the General Appropriation Act of 2010, pursuant to the following guidelines:

(1) the aggregate of all the reductions in allotments shall equal the amount of the projected deficit;

(2) the reductions shall apply proportionately to all agencies, funds, programs and other recipients, and to all programs and categories within agencies, that receive a general fund appropriation in Section 4 of the General Appropriation Act of 2010, except that no reductions shall be made in the allotments for the medicaid programs or the developmental disabilities support program;

(3) if a reduction in an allotment for personal services and employee benefits necessitates a reduction in salaries, the agency is authorized to temporarily reduce salaries in the amount of the reduction;

(4) if a subsequent general fund consensus revenue forecast released during fiscal year 2011 projects revenues to increase above the previous forecast, the allotments shall be increased to reflect the new forecast, up to the amount of the original appropriations;

(5) if a subsequent general fund consensus revenue forecast released during fiscal year 2011 projects revenues to decrease further from the previous forecast, allotments shall be further reduced pursuant to this subsection; and

(6) expenditures of the appropriations made to legislative agencies in Laws 2010, Chapter 1, Subsection A of Section 3 and 4, 5, 7 and 8 shall also be reduced in accordance with the provisions of this subsection.

B. As used in this section, "general fund consensus revenue forecast" means the revenue estimates prepared by the career economists of the department of finance and administration, taxation and revenue department, department of transportation and legislative finance committee.

Chapter 6 Section 15 Laws 2010 (2nd S.S.)

Section 15. TRANSFER AUTHORITY.--

A. The governor has projected that general fund revenues, including all transfers to the general fund authorized by law, are likely to be insufficient to meet the level of appropriations authorized by law from the general fund for fiscal year 2010 and to meet the level of appropriations recommended in the budget and appropriations bill for fiscal year 2011 submitted in accordance with Section 6-3-21 NMSA 1978, thus satisfying Subsection D of Section 6-4-2.2 NMSA 1978.

B. If the revenue and other transfers to the general fund at the end of fiscal year 2010 or 2011 are not sufficient to meet appropriations, the governor, with state board of finance approval, may transfer to the appropriation account of the general fund the amount necessary to meet that fiscal year's obligations from the tax stabilization reserve, provided that the total transferred pursuant to this subsection shall not exceed eighty-three million dollars (\$83,000,000).

C. If, after the total amount authorized in Subsection B of this section has been transferred, the governor determines that revenue and transfers to the general fund at the end of fiscal year 2010 or 2011 are still not sufficient to meet appropriations, the governor, with state board of finance approval, may transfer to the appropriation account of the general fund the amount necessary to meet that fiscal year's obligations from the appropriation contingency fund, provided that the total amount transferred pursuant to this subsection shall not exceed forty-nine million dollars (\$49,000,000). A transfer pursuant to this subsection is from the separate account of the appropriation contingency fund dedicated for the purpose of implementing and maintaining educational reforms pursuant to Laws 2004, Chapter 114, Section 12 and shall be used for the purpose of supplanting general fund appropriations to the state equalization guarantee distribution, which implements and maintains educational reforms enacted in the second session of the forty-ninth legislature or previously.

Chapter 6 Section 16 Laws 2010 (2nd S.S.)

Section 16. **SEVERABILITY.**--If any part or application of this act is held invalid, the remainder or its application to other situations or persons shall not be affected.

House Bill 2, aa, w/coc, partial veto

Approved March 24, 2010

Laws 2010 (2nd SS) CHAPTER 7

AN ACT

~~RELATING TO TAXATION; REPEALING THE GROSS RECEIPTS DEDUCTION FROM RECEIPTS FROM CERTAIN SALES; PROVIDING A CREDIT AGAINST THE STATE SHARE OF GROSS RECEIPTS TAX ON RECEIPTS FROM CERTAIN SALES; ALTERING CERTAIN DISTRIBUTIONS TO MUNICIPALITIES AND COUNTIES; INCREASING THE LOW-INCOME COMPREHENSIVE TAX REBATE; INCREASING THE GROSS RECEIPTS AND COMPENSATING TAXES; DISTRIBUTING ADDITIONAL REVENUE TO THE GENERAL FUND; CLARIFYING NEXUS REGARDING CERTAIN COMPENSATING TAX TRANSACTIONS; PROVIDING FOR STATE AND LOCAL TAXES TO BE INCLUDED IN TAXABLE INCOME FOR STATE INCOME TAX PURPOSES.~~

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

Chapter 7 Section 1 Laws 2010 (2nd S.S.)

Section 1. Section 4-61-2 NMSA 1978 (being Laws 1982, Chapter 44, Section 2, as amended) is amended to read:

"4-61-2. DEFINITIONS.--As used in the Small Counties Assistance Act:

A. "adjustment factor" means a fraction, the numerator of which is the net taxable value of the state for the property tax year prior to the year in which the amount of small counties assistance is being determined and the denominator of which is the net taxable value for property tax year 2002; the adjustment factor shall be calculated without reference to assessed value determined pursuant to the Oil and Gas Ad Valorem Production Tax Act, assessed value determined pursuant to the Oil and Gas Production Equipment Ad Valorem Tax Act or taxable value determined pursuant to the Copper Production Ad Valorem Tax Act;

B. "ceiling valuation" means:

(1) for the 2002 property tax year, one billion four hundred million dollars (\$1,400,000,000); and

(2) for each subsequent property tax year, an amount equal to the product obtained by multiplying one billion four hundred million dollars (\$1,400,000,000) by the adjustment factor for the year;

C. "demographer" means the bureau of business and economic research at the university of New Mexico;

D. "inflation factor" means a fraction whose numerator is the annual implicit price deflator index for state and local government purchases of goods and services, as published in the United States department of commerce monthly publication entitled "Survey of Current Business" or any successor publication prepared by an agency of the United States and adopted by the department of finance and administration, for the calendar year one year prior to the year in which the distribution is to be made and whose denominator is the annual index for calendar year 2004; provided that, if the inflation factor is calculated to have a value less than one, it shall be deemed to have a value of one;

E. "population" means the official population shown by the most recent federal decennial census or, if there is a change in boundaries after the date of the census, "population" for each affected unit shall be the most current estimated population for that unit provided in writing by the demographer; provided that after five years from the first day of the calendar year of the most recent federal decennial census, that census shall not be used, and "population" for the period from that date until the date when the next following official final decennial census population data are available shall be the most current estimated population provided in writing by the demographer;

F. "qualifying county" means a county that has:

(1) for the property tax year in which any distribution under the Small Counties Assistance Act is made to the county, imposed a property tax rate for general county purposes pursuant to Paragraph (1) of Subsection B of Section 7-37-7 NMSA 1978 as limited by Section 7-37-7.1 NMSA 1978 of at least eight dollars eighty-five cents (\$8.85) per one thousand dollars (\$1,000) of net taxable value;

(2) by July 1 of the property tax year in which any distribution under the Small Counties Assistance Act is made to the county, received a written certification from the director of the property tax division of the taxation and revenue department that the county assessor of that county has implemented an acceptable program of maintaining current and correct property values for property taxation purposes as required by Section 7-36-16 NMSA 1978 or has submitted to the director an acceptable plan for the implementation of such a program;

(3) on July 1 of the year in which any distribution under the Small Counties Assistance Act is made to the county, a population of not more than forty-eight thousand;

(4) imposed county gross receipts tax increments authorized pursuant to Section 7-20E-9 NMSA 1978 totaling at least three-eighths percent and has those increments in effect on July 1 of the year in which a distribution is made, provided that this paragraph does not apply to a county if the county's valuation for property taxation purposes does not exceed the product of two hundred thirty million dollars (\$230,000,000) multiplied by the adjustment factor for the year; and

(5) a total valuation for the property tax year preceding the year in which a distribution pursuant to the Small Counties Assistance Act for that county is to be made that is no greater than the ceiling valuation for that property tax year;

G. "tax rate factor" means a fraction, the numerator of which is the average rate imposed in Section 7-9-7 NMSA 1978 for the fiscal year one year prior to the fiscal year in which the distribution is to be made and the denominator of which is five percent; and

H. "total valuation" means the sum for a jurisdiction for a property tax year of the net taxable value determined pursuant to the Property Tax Code, the assessed value determined pursuant to the Oil and Gas Ad Valorem Production Tax Act, the assessed value determined pursuant to the Oil and Gas Production Equipment Ad Valorem Tax Act and the taxable value determined pursuant to the Copper Production Ad Valorem Tax Act."

Chapter 7 Section 2 Laws 2010 (2nd S.S.)

Section 2. Section 4-61-3 NMSA 1978 (being Laws 1982, Chapter 44, Section 3, as amended) is amended to read:

"4-61-3. SMALL COUNTIES ASSISTANCE FUND--DISTRIBUTION.--

A. The "small counties assistance fund" is created within the state treasury.

B. On or before September 1, 2003 and on or before September 1 of each subsequent year, the demographer shall certify in writing to the department of finance and administration the population of the state and of each county as of June 30 of the year.

C. On or before September 15, 2003 and on or before September 15 of each subsequent year, the secretary of finance and administration shall certify to the state treasurer with respect to each qualifying county:

(1) its population as certified by the demographer;

(2) its total valuation for the preceding property tax year; and

(3) the distribution amount calculated for it.

D. The distribution amount for each qualifying county shall be determined for 2003 and each subsequent year in accordance with the following table; provided that the bracket amounts in the first two columns of the table shall be adjusted annually after 2003 by the adjustment factor. The bracket amounts in the last column shall be adjusted annually after 2005 by the inflation factor and, in 2011 and subsequent years, shall be adjusted by the tax rate factor. The department of finance and administration may round the results of the adjustments made pursuant to this subsection to the nearest one thousand dollars (\$1,000).

If the county's total valuation for the preceding property tax year is:

at least:	but less than:	and the county population is:	then the distribution amount is:
\$ 0	\$100,000,000	under 1,000	\$450,000
\$ 0	\$100,000,000	at least 1,000	
		but under 4,000	\$325,000
\$ 0	\$100,000,000	at least 4,000	\$250,000
\$100,000,000	\$230,000,000	under 12,000	\$175,000
\$100,000,000	\$230,000,000	at least 12,000	\$125,000
\$230,000,000	\$1,400,000,000	under 48,000	\$ 75,000.

E. If the balance in the small counties assistance fund as of the preceding August 31 exceeds the sum of the distributions to be made to qualifying counties pursuant to the provisions of Subsection D of this section, the department of finance and administration shall increase the distribution amount for each county receiving a distribution amount pursuant to the provisions of Subsection D of this section by:

(1) thirty-five thousand dollars (\$35,000) if the county has imposed and has in effect on July 1 of the year in which the distribution is to be made a county correctional facility gross receipts tax at a rate of at least one-eighth percent;

(2) fifteen thousand dollars (\$15,000) if the county has imposed and has in effect on July 1 of the year in which the distribution is to be made a county gross receipts tax increment of one-sixteenth percent; or

(3) fifty thousand dollars (\$50,000) if the county has met the requirements of Paragraphs (1) and (2) of this subsection.

F. If the balance in the small counties assistance fund as of the preceding August 31 is less than the sum of the distributions determined pursuant to Subsection D of this section plus the distribution increases authorized pursuant to Subsection E of this section, the distribution increases pursuant to Subsection E of this section shall be proportionately reduced.

G. If the balance in the small counties assistance fund as of the preceding August 31 is less than the sum of the distributions to be made to qualifying counties, the

department of finance and administration shall reduce each qualifying county's calculated distribution by a percentage computed by dividing the amount by which the fund is insufficient by the sum of all the calculated distributions and shall certify the reduced amounts as the qualifying counties' distributions.

H. Any interest accruing from the temporary investment of the small counties assistance fund shall be credited to the general fund.

I. On or before September 30, 2003 and on or before September 30 of each subsequent year, the state treasurer shall distribute to each county for whom a distribution has been certified for that year the amount certified for that county for that year. If the balance in the fund as of the preceding August 31 exceeds the sum of certified amounts distributed, the difference shall revert to the general fund.

J. If any date specified in Subsection B, C or I of this section falls on a Saturday, Sunday or legal holiday, any action required to be performed as provided in those subsections is timely if performed on the next day that is not a Saturday, Sunday or legal holiday."

Chapter 7 Section 3 Laws 2010 (2nd S.S.)

~~[Section 3. A new section of the Tax Administration Act is enacted to read:~~

~~"DISTRIBUTION ADJUSTMENT--TAX ADMINISTRATION SUSPENSE FUND--CREDIT FOR RECEIPTS OF RETAIL FOOD STORES.--Distributions from the tax administration suspense fund to the general fund of net receipts attributable to the gross receipts tax shall be adjusted for the full cost of retail food tax credits issued pursuant to the Gross Receipts and Compensating Tax Act for receipts of retail food stores from the sale of food."] LINE-ITEM VETO~~

Chapter 7 Section 4 Laws 2010 (2nd S.S.)

~~[Section 4. Section 7-1-6.16 NMSA 1978 (being Laws 1983, Chapter 213, Section 27, as amended) is amended to read:~~

~~"7-1-6.16. COUNTY EQUALIZATION DISTRIBUTION.--~~

~~A. Beginning on September 15, 1989 and on September 15 of each year thereafter, the department shall distribute to any county that has imposed or continued in effect during the state's preceding fiscal year a county gross receipts tax pursuant to Section 7-20E-9 NMSA 1978 an amount equal to:~~

~~(1) the product of a fraction, the numerator of which is the county's population and the denominator of which is the state's population, multiplied by the annual sum for the county; less~~

~~(2) the net receipts received by the department during the report year, including any increase or decrease made pursuant to Section 7-1-6.15 NMSA 1978, attributable to the county gross receipts tax at a rate of one-eighth percent; provided that for any month in the report year, if no county gross receipts tax was in effect in the county in the previous month, the net receipts, for the purposes of this section, for that county for that month shall be zero.~~

~~B. If the amount determined by the calculation in Subsection A of this section is zero or a negative number for a county, no distribution shall be made to that county.~~

~~C. As used in this section:~~

~~(1) "annual sum" means for each county the sum of the monthly amounts for those months in the report year that follow a month in which the county had in effect a county gross receipts tax;~~

~~(2) "monthly amount" means an amount equal to the product of:~~

~~(a) the net receipts received by the department in the month attributable to the state gross receipts tax plus five and one-eighth percent of the total amount of deductions claimed pursuant to Section 7-9-93 NMSA 1978 for the month; and~~

~~(b) a fraction, the numerator of which is one-eighth percent and the denominator of which is the tax rate imposed by Section 7-9-4 NMSA 1978 in effect on the last day of the previous month;~~

~~(3) "population" means the most recent official census or estimate determined by the United States census bureau for the unit or, if neither is available, the most current estimated population for the unit provided in writing by the bureau of business and economic research at the university of New Mexico; and~~

~~(4) "report year" means the twelve-month period ending on the July 31 immediately preceding the date upon which a distribution pursuant to this section is required to be made. "] LINE-ITEM VETO~~

Chapter 7 Section 5 Laws 2010 (2nd S.S.)

~~[Section 5. Section 7-1-6.46 NMSA 1978 (being Laws 2004, Chapter 116, Section 1, as amended) is amended to read:~~

~~"7-1-6.46. DISTRIBUTION TO MUNICIPALITIES--OFFSET FOR HEALTH CARE PRACTITIONER SERVICES DEDUCTION--DISTRIBUTION IN LIEU OF MUNICIPAL DISTRIBUTION FROM STATE GROSS RECEIPTS TAX--RETAIL FOOD TAX CREDIT DISTRIBUTIONS.--~~

A. For fiscal year 2011, a distribution pursuant to ~~Section 7-1-6.1 NMSA 1978~~ shall be made to a municipality in an amount, subject to any increase or decrease made pursuant to ~~Section 7-1-6.15 NMSA 1978~~, equal to the sum of:

~~(1) for a municipality having a population of less than ten thousand according to the most recent federal decennial census and having per capita taxable gross receipts for the previous calendar year that are less than the average per capita taxable gross receipts for all municipalities for that same calendar year:~~

~~(a) the total gross receipts from the sale of food on which the retail food tax credit is claimed for the month by taxpayers from business locations attributable to the municipality multiplied by one and two hundred twenty-five thousandths percent; and~~

~~(b) the total deductions claimed pursuant to Section 7-9-93 NMSA 1978 for the month by taxpayers from business locations attributable to the municipality multiplied by the sum of the combined rate of all municipal local option gross receipts taxes in effect in the municipality for the month plus one and two hundred twenty-five thousandths percent; or~~

~~(2) for a municipality not described in Paragraph (1) of this subsection:~~

~~(a) the total gross receipts from the sale of food on which the retail food tax credit is claimed for the month by taxpayers from business locations attributable to the municipality multiplied by one and two hundred twenty-five thousandths percent; and~~

~~(b) the total deductions claimed pursuant to Section 7-9-93 NMSA 1978 for the month by taxpayers from business locations attributable to the municipality multiplied by the sum of the combined rate of all municipal local option gross receipts taxes in effect in the municipality on January 1, 2007 plus one and two hundred twenty-five thousandths percent.~~

B. For fiscal year 2012 and subsequent fiscal years, a distribution pursuant to ~~Section 7-1-6.1 NMSA 1978~~ shall be made to a municipality in an amount, subject to any increase or decrease made pursuant to ~~Section 7-1-6.15 NMSA 1978~~, equal to the sum of:

~~(1) for a municipality having a population of less than ten thousand according to the most recent federal decennial census and having per capita taxable gross receipts for the previous calendar year that are less than the average per capita taxable gross receipts for all municipalities for that same calendar year:~~

~~(a) the total gross receipts from the sale of food on which the retail food tax credit is claimed for the month by taxpayers from business locations attributable to the municipality multiplied by one and five-hundredths percent; and~~

~~(b) the total deductions claimed pursuant to Section 7-9-93 NMSA 1978 for the month by taxpayers from business locations attributable to the municipality multiplied by the sum of the combined rate of all municipal local option gross receipts taxes in effect in the municipality for the month plus one and two hundred twenty-five thousandths percent; or~~

~~(2) for a municipality not described in Paragraph (1) of this subsection:~~

~~(a) the total gross receipts from the sale of food on which the retail food tax credit is claimed for the month by taxpayers from business locations attributable to the municipality multiplied by one and five-hundredths percent; and~~

~~(b) the total deductions claimed pursuant to Section 7-9-93 NMSA 1978 for the month by taxpayers from business locations attributable to the municipality multiplied by the sum of the combined rate of all municipal local option gross receipts taxes in effect in the municipality on January 1, 2007 plus one and two hundred twenty-five thousandths percent.~~

~~C. The distribution pursuant to Subsection A of this section is in lieu of revenue that would have been received by the municipality but for the retail food tax credit and the deduction provided by Section 7-9-93 NMSA 1978. The distribution shall be considered gross receipts tax revenue and shall be used by the municipality in the same manner as gross receipts tax revenue, including payment of gross receipts tax revenue bonds.~~

~~D. If the reduction made by this 2010 act to the distribution made pursuant to Subsection B of this section impairs the ability of a municipality to meet its principal or interest payment obligations for revenue bonds outstanding prior to July 1, 2010 that are secured by the pledge of all or part of the municipality's revenue from the distribution made pursuant to this section, then the amount distributed pursuant to this section to that municipality shall be increased by an amount sufficient to meet any required payment; provided that the total amount distributed to that municipality pursuant to this section does not exceed the amount that would have been due that municipality pursuant to this section as it was in effect on June 30, 2010.~~

~~E. For the purposes of this section, "business locations attributable to the municipality" means business locations:~~

~~(1) within the municipality;~~

~~(2) on land owned by the state, commonly known as the "state fairgrounds", within the exterior boundaries of the municipality;~~

~~(3) outside the boundaries of the municipality on land owned by the municipality; and~~

~~(4) on an Indian reservation or pueblo grant in an area that is contiguous to the municipality and in which the municipality performs services pursuant to a contract between the municipality and the Indian tribe or Indian pueblo if:~~

~~(a) the contract describes an area in which the municipality is required to perform services and requires the municipality to perform services that are substantially the same as the services the municipality performs for itself; and~~

~~(b) the governing body of the municipality has submitted a copy of the contract to the secretary.~~

~~F. A distribution pursuant to this section may be adjusted for a distribution made to a tax increment development district with respect to a portion of a gross receipts tax increment dedicated by a municipality pursuant to the Tax Increment for Development Act."] *LINE-ITEM VETO*~~

Chapter 7 Section 6 Laws 2010 (2nd S.S.)

~~[Section 6. Section 7-1-6.47 NMSA 1978 (being Laws 2004, Chapter 116, Section 2, as amended) is amended to read:~~

~~"7-1-6.47. DISTRIBUTION TO COUNTIES--OFFSET FOR HEALTH CARE PRACTITIONER SERVICES DEDUCTION.--~~

~~A. A distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to a county in an amount, subject to any increase or decrease made pursuant to Section 7-1-6.15 NMSA 1978, equal to the sum of:~~

~~(1) for a county having a population of less than forty-eight thousand according to the most recent federal decennial census:~~

~~(a) the total deductions claimed pursuant to Section 7-9-93 NMSA 1978 for the month by taxpayers from business locations within a municipality in the county multiplied by the combined rate of all county local option gross receipts taxes in effect for the month that are imposed throughout the county; and~~

~~(b) the total deductions claimed pursuant to Section 7-9-93 NMSA 1978 for the month by taxpayers from business locations in the county but not within a municipality multiplied by the combined rate of all county local option gross~~

~~receipts taxes in effect for the month that are imposed in the county area not within a municipality; or~~

~~(2) for a county not described in Paragraph (1) of this subsection:~~

~~(a) the total deductions claimed pursuant to Section 7-9-93 NMSA 1978 for the month by taxpayers from business locations within a municipality in the county multiplied by the combined rate of all county local option gross receipts taxes in effect on January 1, 2007 that are imposed throughout the county; and~~

~~(b) the total deductions claimed pursuant to Section 7-9-93 NMSA 1978 for the month by taxpayers from business locations in the county but not within a municipality multiplied by the combined rate of all county local option gross receipts taxes in effect on January 1, 2007 that are imposed in the county area not within a municipality.~~

~~B. The distribution pursuant to Subsection A of this section is in lieu of revenue that would have been received by the county but for the deductions provided by Section 7-9-93 NMSA 1978. The distribution shall be considered gross receipts tax revenue and shall be used by the county in the same manner as gross receipts tax revenue, including payment of gross receipts tax revenue bonds.~~

~~C. A distribution pursuant to this section may be adjusted for a distribution made to a tax increment development district with respect to a portion of a gross receipts tax increment dedicated by a county pursuant to the Tax Increment for Development Act."]~~

Chapter 7 Section 7 Laws 2010 (2nd S.S.)

Section 7. Section 7-2-2 NMSA 1978 (being Laws 1986, Chapter 20, Section 26, as amended) is amended to read:

"7-2-2. DEFINITIONS.--For the purpose of the Income Tax Act and unless the context requires otherwise:

A. "adjusted gross income" means adjusted gross income as defined in Section 62 of the Internal Revenue Code, as that section may be amended or renumbered;

B. "base income":

(1) means, for estates and trusts, that part of the estate's or trust's income defined as taxable income and upon which the federal income tax is calculated in the Internal Revenue Code for income tax purposes plus, for taxable years beginning on or after January 1, 1991, the amount of the net operating loss deduction allowed by

Section 172(a) of the Internal Revenue Code, as that section may be amended or renumbered, and taken by the taxpayer for that year;

(2) means, for taxpayers other than estates or trusts, that part of the taxpayer's income defined as adjusted gross income plus, for taxable years beginning on or after January 1, 1991, the amount of the net operating loss deduction allowed by Section 172(a) of the Internal Revenue Code, as that section may be amended or renumbered, and taken by the taxpayer for that year;

(3) includes, for all taxpayers, any other income of the taxpayer not included in adjusted gross income but upon which a federal tax is calculated pursuant to the Internal Revenue Code for income tax purposes, except amounts for which a calculation of tax is made pursuant to Section 55 of the Internal Revenue Code, as that section may be amended or renumbered; "base income" also includes interest received on a state or local bond; and

(4) includes, for all taxpayers, an amount deducted pursuant to Section 7-2-32 NMSA 1978 in a prior taxable year if:

(a) such amount is transferred to another qualified tuition program, as defined in Section 529 of the Internal Revenue Code, not authorized in the Education Trust Act; or

(b) a distribution or refund is made for any reason other than: 1) to pay for qualified higher education expenses, as defined pursuant to Section 529 of the Internal Revenue Code; or 2) upon the beneficiary's death, disability or receipt of a scholarship;

C. "compensation" means wages, salaries, commissions and any other form of remuneration paid to employees for personal services;

D. "department" means the taxation and revenue department, the secretary or any employee of the department exercising authority lawfully delegated to that employee by the secretary;

E. "fiduciary" means a guardian, trustee, executor, administrator, committee, conservator, receiver, individual or corporation acting in any fiduciary capacity;

F. "filing status" means "married filing joint returns", "married filing separate returns", "head of household", "surviving spouse" and "single", as those terms are generally defined for federal tax purposes;

G. "fiscal year" means any accounting period of twelve months ending on the last day of any month other than December;

H. "head of household" means "head of household" as generally defined for federal income tax purposes;

I. "individual" means a natural person, an estate, a trust or a fiduciary acting for a natural person, trust or estate;

J. "Internal Revenue Code" means the United States Internal Revenue Code of 1986, as amended;

K. "lump-sum amount" means for the purpose of determining liability for federal income tax, an amount that was not included in adjusted gross income but upon which the five-year-averaging or the ten-year-averaging method of tax computation provided in Section 402 of the Internal Revenue Code, as that section may be amended or renumbered, was applied;

L. "modified gross income" means all income of the taxpayer and, if any, the taxpayer's spouse and dependents, undiminished by losses and from whatever source, including:

- (1) compensation;
- (2) net profit from business;
- (3) gains from dealings in property;
- (4) interest;
- (5) net rents;
- (6) royalties;
- (7) dividends;
- (8) alimony and separate maintenance payments;
- (9) annuities;
- (10) income from life insurance and endowment contracts;
- (11) pensions;
- (12) discharge of indebtedness;
- (13) distributive share of partnership income;
- (14) income in respect of a decedent;

(15) income from an interest in an estate or a trust;

(16) social security benefits;

(17) unemployment compensation benefits;

(18) workers' compensation benefits;

(19) public assistance and welfare benefits;

(20) cost-of-living allowances; and

(21) gifts;

M. "modified gross income" excludes:

(1) payments for hospital, dental, medical or drug expenses to or on behalf of the taxpayer;

(2) the value of room and board provided by federal, state or local governments or by private individuals or agencies based upon financial need and not as a form of compensation;

(3) payments pursuant to a federal, state or local government program directly or indirectly to a third party on behalf of the taxpayer when identified to a particular use or invoice by the payer; or

(4) payments for credits and rebates pursuant to the Income Tax Act and made for a credit pursuant to Section 7-3-9 NMSA 1978;

N. "net income" means, for estates and trusts, base income adjusted to exclude amounts that the state is prohibited from taxing because of the laws or constitution of this state or the United States and means, for taxpayers other than estates or trusts, base income adjusted to exclude:

(1) an amount equal to the standard deduction allowed the taxpayer for the taxpayer's taxable year by Section 63 of the Internal Revenue Code, as that section may be amended or renumbered;

(2) an amount equal to the itemized deductions defined in Section 63 of the Internal Revenue Code, as that section may be amended or renumbered, allowed the taxpayer for the taxpayer's taxable year less the amount excluded pursuant to Paragraph (1) of this subsection and less the amount of state and local income and sales taxes included in the taxpayer's itemized deductions;

(3) an amount equal to the product of the exemption amount allowed for the taxpayer's taxable year by Section 151 of the Internal Revenue Code, as that section may be amended or renumbered, multiplied by the number of personal exemptions allowed for federal income tax purposes;

(4) income from obligations of the United States of America less expenses incurred to earn that income;

(5) other amounts that the state is prohibited from taxing because of the laws or constitution of this state or the United States;

(6) for taxable years that began prior to January 1, 1991, an amount equal to the sum of:

(a) net operating loss carryback deductions to that year from taxable years beginning prior to January 1, 1991 claimed and allowed, as provided by the Internal Revenue Code; and

(b) net operating loss carryover deductions to that year claimed and allowed;

(7) for taxable years beginning on or after January 1, 1991, an amount equal to the sum of any net operating loss carryover deductions to that year claimed and allowed, provided that the amount of any net operating loss carryover from a taxable year beginning on or after January 1, 1991 may be excluded only as follows:

(a) in the case of a timely filed return, in the taxable year immediately following the taxable year for which the return is filed; or

(b) in the case of amended returns or original returns not timely filed, in the first taxable year beginning after the date on which the return or amended return establishing the net operating loss is filed; and

(c) in either case, if the net operating loss carryover exceeds the amount of net income exclusive of the net operating loss carryover for the taxable year to which the exclusion first applies, in the next four succeeding taxable years in turn until the net operating loss carryover is exhausted; in no event shall a net operating loss carryover be excluded in any taxable year after the fourth taxable year beginning after the taxable year to which the exclusion first applies; and

(8) for taxable years beginning on or after January 1, 2011, an amount equal to the amount included in adjusted gross income that represents a refund of state and local income and sales taxes that were deducted for federal tax purposes in taxable years beginning on or after January 1, 2010;

O. "net operating loss" means any net operating loss, as defined by Section 172(c) of the Internal Revenue Code, as that section may be amended or renumbered, for a taxable year as further increased by the income, if any, from obligations of the United States for that year less related expenses;

P. "net operating loss carryover" means the amount, or any portion of the amount, of a net operating loss for any taxable year that, pursuant to Paragraph (6) or (7) of Subsection N of this section, may be excluded from base income;

Q. "nonresident" means every individual not a resident of this state;

R. "person" means any individual, estate, trust, receiver, cooperative association, club, corporation, company, firm, partnership, limited liability company, joint venture, syndicate or other association; "person" also means, to the extent permitted by law, any federal, state or other governmental unit or subdivision or agency, department or instrumentality thereof;

S. "resident" means an individual who is domiciled in this state during any part of the taxable year or an individual who is physically present in this state for one hundred eighty-five days or more during the taxable year; but any individual, other than someone who was physically present in the state for one hundred eighty-five days or more during the taxable year, who, on or before the last day of the taxable year, changed the individual's place of abode to a place without this state with the bona fide intention of continuing actually to abide permanently without this state is not a resident for the purposes of the Income Tax Act for periods after that change of abode;

T. "secretary" means the secretary of taxation and revenue or the secretary's delegate;

U. "state" means any state of the United States, the District of Columbia, the commonwealth of Puerto Rico, any territory or possession of the United States or any political subdivision of a foreign country;

V. "state or local bond" means a bond issued by a state other than New Mexico or by a local government other than one of New Mexico's political subdivisions, the interest from which is excluded from income for federal income tax purposes under Section 103 of the Internal Revenue Code, as that section may be amended or renumbered;

W. "surviving spouse" means "surviving spouse" as generally defined for federal income tax purposes;

X. "taxable income" means net income less any lump-sum amount;

Y. "taxable year" means the calendar year or fiscal year upon the basis of which the net income is computed under the Income Tax Act and includes, in the case

of the return made for a fractional part of a year under the provisions of the Income Tax Act, the period for which the return is made; and

Z. "taxpayer" means any individual subject to the tax imposed by the Income Tax Act."

Chapter 7 Section 8 Laws 2010 (2nd S.S.)

~~[Section 8. Section 7-2-14 NMSA 1978 (being Laws 1972, Chapter 20, Section 2, as amended) is amended to read:~~

~~"7-2-14. LOW-INCOME COMPREHENSIVE TAX REBATE.--~~

~~A. Except as otherwise provided in Subsection B of this section, any resident who files an individual New Mexico income tax return and who is not a dependent of another individual may claim a tax rebate for a portion of state and local taxes to which the resident has been subject during the taxable year for which the return is filed. The tax rebate may be claimed even though the resident has no income taxable under the Income Tax Act. A husband and wife who file separate returns for a taxable year in which they could have filed a joint return may each claim only one-half of the tax rebate that would have been allowed on a joint return.~~

~~B. No claim for the tax rebate provided in this section shall be filed by a resident who was an inmate of a public institution for more than six months during the taxable year for which the tax rebate could be claimed or who was not physically present in New Mexico for at least six months during the taxable year for which the tax rebate could be claimed.~~

~~C. For the purposes of this section, the total number of exemptions for which a tax rebate may be claimed or allowed is determined by adding the number of federal exemptions allowable for federal income tax purposes for each individual included in the return who is domiciled in New Mexico plus two additional exemptions for each individual domiciled in New Mexico included in the return who is sixty-five years of age or older plus one additional exemption for each individual domiciled in New Mexico included in the return who, for federal income tax purposes, is blind plus one exemption for each minor child or stepchild of the resident who would be a dependent for federal income tax purposes if the public assistance contributing to the support of the child or stepchild was considered to have been contributed by the resident.~~

~~D. The tax rebate provided for in this section may be claimed in the amount shown in the following table:~~

~~_____ Modified gross _____ And the total number~~

~~income is: _____ of exemptions is:~~

	But Not							6 or
Over	Over	1	2	3	4	5	More	
\$ 0	\$ 1,000	\$ 145	\$ 210	\$ 270	\$ 335	\$ 380	\$ 455	
1,001	2,000	145	210	270	335	380	490	
2,001	3,000	145	210	270	335	385	490	
3,001	4,000	145	210	270	335	385	490	
4,001	5,000	145	210	270	335	385	490	
5,001	6,000	125	190	250	320	385	490	
6,001	7,000	100	145	190	245	305	410	
7,001	8,000	90	130	165	205	255	335	
8,001	9,000	80	120	155	195	225	280	
9,001	10,000	75	110	135	170	205	245	
10,001	11,000	70	95	120	155	185	225	
11,001	12,000	65	85	110	135	165	200	
12,001	13,000	60	80	105	125	145	180	
13,001	14,000	60	80	105	125	145	180	
14,001	15,000	55	75	95	115	135	160	
15,001	16,000	50	75	90	110	125	150	
16,001	17,000	45	70	85	105	115	145	
17,001	18,000	40	60	80	95	110	135	
18,001	19,000	35	50	70	85	100	120	
19,001	20,000	30	45	60	75	90	105	
20,001	21,000	25	40	50	65	80	95	

21,001	22,000	20	35	45	60	70	85
22,001	23,000	10	30	40	50	60	70
23,001	24,000	10	20	30	40	50	60.

~~E. If a taxpayer's modified gross income is zero, the taxpayer may claim a credit in the amount shown in the first row of the table appropriate for the taxpayer's number of exemptions.~~

~~F. The tax rebates provided for in this section may be deducted from the taxpayer's New Mexico income tax liability for the taxable year. If the tax rebates exceed the taxpayer's income tax liability, the excess shall be refunded to the taxpayer.~~

~~G. For purposes of this section, "dependent" means "dependent" as defined by Section 152 of the Internal Revenue Code of 1986, as that section may be amended or renumbered, but also includes any minor child or stepchild of the resident who would be a dependent for federal income tax purposes if the public assistance contributing to the support of the child or stepchild was considered to have been contributed by the resident."] *LINE-ITEM VETO*~~

Chapter 7 Section 9 Laws 2010 (2nd S.S.)

Section 9. Section 7-9-4 NMSA 1978 (being Laws 1966, Chapter 47, Section 4, as amended) is amended to read:

"7-9-4. IMPOSITION AND RATE OF TAX--DENOMINATION AS "GROSS RECEIPTS TAX".--

A. For the privilege of engaging in business, an excise tax equal to five and one-eighth percent of gross receipts is imposed on any person engaging in business in New Mexico.

B. The tax imposed by this section shall be referred to as the "gross receipts tax". "

Chapter 7 Section 10 Laws 2010 (2nd S.S.)

Section 10. Section 7-9-7 NMSA 1978 (being Laws 1966, Chapter 47, Section 7, as amended) is amended to read:

"7-9-7. IMPOSITION AND RATE OF TAX--DENOMINATION AS "COMPENSATING TAX".--

A. For the privilege of using tangible property in New Mexico, there is imposed on the person using the property an excise tax equal to five and one-eighth percent of the value of tangible property that was:

(1) manufactured by the person using the property in the state;

(2) acquired as the result of a transaction with a person located outside this state that would have been subject to the gross receipts tax had the tangible personal property been acquired from a person with nexus with New Mexico; or

(3) acquired as the result of a transaction that was not initially subject to the compensating tax imposed by Paragraph (2) of this subsection or the gross receipts tax but which transaction, because of the buyer's subsequent use of the property, should have been subject to the compensating tax imposed by Paragraph (2) of this subsection or the gross receipts tax.

B. For the purpose of Subsection A of this section, value of tangible property shall be the adjusted basis of the property for federal income tax purposes determined as of the time of acquisition or introduction into this state or of conversion to use, whichever is later. If no adjusted basis for federal income tax purposes is established for the property, a reasonable value of the property shall be used.

C. For the privilege of using services rendered in New Mexico, there is imposed on the person using such services an excise tax equal to five percent of the value of the services at the time they were rendered. The services, to be taxable under this subsection, must have been rendered as the result of a transaction that was not initially subject to the gross receipts tax but which transaction, because of the buyer's subsequent use of the services, should have been subject to the gross receipts tax.

D. The tax imposed by this section shall be referred to as the "compensating tax".

Chapter 7 Section 11 Laws 2010 (2nd S.S.)

~~[Section 11. A new section of the Gross Receipts and Compensating Tax Act is enacted to read:~~

~~"RETAIL FOOD TAX CREDIT--RECEIPTS OF RETAIL FOOD STORES.--~~

~~A. A retail food store that is a taxpayer may claim a credit for each reporting period against the taxpayer's gross receipts tax due for that reporting period in an amount equal to five and one-eighth percent of the taxpayer's gross receipts for that reporting period that are from the sale of food and are not exempt from gross receipts taxation and are not deductible pursuant to another provision of the Gross Receipts and Compensating Tax Act.~~

~~B. The credit that may be claimed by a taxpayer pursuant to this section may be referred to as the "retail food tax credit".~~

~~C. The retail food tax credit shall be reported separately from any other credits claimed in the same reporting period by the taxpayer against the taxpayer's gross receipts tax liability.~~

~~D. A retail food store claiming the credit provided by this section shall, on all sales of food with respect to which the credit will be claimed, adjust the amount of gross receipts tax passed on to the purchaser of the food to reflect the full value of the credit.~~

~~E. For the purposes of this section:~~

~~(1) "food" means any food or food product for home consumption that meets the definition of food in 7 USCA 2012(k)(1) for purposes of the federal supplemental nutrition assistance program; and~~

~~(2) "retail food store" means an establishment that sells food for home preparation and consumption and that meets the definition of retail food store in 7 USCA 2012(p)(1) for purposes of the federal supplemental nutrition assistance program, whether or not the establishment participates in the supplemental nutrition assistance program."] *LINE-ITEM VETO*~~

Chapter 7 Section 12 Laws 2010 (2nd S.S.)

Section 12. TEMPORARY PROVISION.--For the 2010 taxable year, a taxpayer is deemed to have complied with the provisions of Section 7-2-12.2 NMSA 1978 if the taxpayer has made the required annual payments of estimated taxes due for taxable year 2010 based on the definition of net income in Section 7-2-2 NMSA 1978 applicable prior to January 1, 2010.

Chapter 7 Section 13 Laws 2010 (2nd S.S.)

~~[Section 13. REPEAL.--Section 7-9-92 NMSA 1978 (being Laws 2004, Chapter 416, Section 5) is repealed.] *LINE-ITEM VETO*~~

Chapter 7 Section 14 Laws 2010 (2nd S.S.)

Section 14. APPLICABILITY.--

~~[A. The distribution adjustment made pursuant to Section 3 of this act applies to retail food tax credits claimed pursuant to Section 11 of this act against gross receipts received on or after July 1, 2010.~~

~~B. The distributions pursuant to Sections 5 and 6 of this act apply to deductions for health care practitioner services taken from the gross receipts tax that are attributable to gross receipts received on or after July 1, 2010 and to retail food tax credits claimed pursuant to Section 11 of this act against gross receipts received on or after July 1, 2010.~~

~~6.] The provisions of Sections 7 and 8 of this act apply to taxable years beginning on or after January 1, 2010. *LINE-ITEM VETO*~~

Chapter 7 Section 15 Laws 2010 (2nd S.S.)

Section 15. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2010.

SFC/Senate Bills 10, 12 & 13, partial veto

Approved March 24, 2010