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Chapter No. 5

HB 1

AN ACT

RELATING TO GENERAL APPROPRIATIONS; REDUCING APPROPRIATIONS FOR FISCAL YEARS 2020 AND 2021 MADE IN LAWS 2020, CHAPTERS 1 AND 83; CHANGING CERTAIN REQUIREMENTS PROVIDED FOR IN LAWS 2020, CHAPTER 83 AND LAWS 2019, SECTION 271; TRANSFERRING MONEY REMAINING FROM CERTAIN FEDERAL ALLOCATIONS TO THE STATE TO MEET EXISTING FEDERAL REQUIREMENTS AND FOR PUBLIC SCHOOL SUPPORT; ALLOWING THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO MAKE CERTAIN TRANSFERS, REDUCE OPERATING BUDGETS AND REDUCE ALLOTMENTS TO MATCH APPROPRIATION REDUCTIONS; APPROPRIATING LEGISLATIVE CASH BALANCES FOR THE EXPENSES OF THE FIFTY-FOURTH LEGISLATURE, FIRST SPECIAL SESSION, 2020; EXTENDING THE EXPENDITURE PERIOD FOR AN APPROPRIATION FOR CENSUS OUTREACH; REQUIRING THE PUBLIC EDUCATION DEPARTMENT TO PRIORITIZE EXTENDED LEARNING TIME PROGRAMS TO ACCOUNT FOR INSTRUCTION LOST IN THE 2019-2020 SCHOOL YEAR; MAKING A TECHNICAL CORRECTION; MAKING AN APPROPRIATION.

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

SECTION 1. LEGISLATIVE BRANCH APPROPRIATION REDUCTIONS.--The appropriations made from the general fund in Laws 2020, Chapter 1, Sections 3 and 5 through 8 are reduced by four percent rounded to the nearest one hundred dollars ($100). To meet the reductions required by this section and maintain government efficiency, the New Mexico legislative council shall determine the amount of reduction applied to each legislative agency and purpose and may transfer amounts from any of the appropriations in Laws 2020, Chapter 1 to any other legislative expenditure where they may be needed.

SECTION 2. A new section of the General Appropriation Act of 2020 is enacted to read:

"GENERAL FUND APPROPRIATION REDUCTIONS--SECTION 4.--

A. Except as otherwise provided in this section, all amounts set out under the general fund column in Section 4 of the General Appropriation Act of 2020, except Subsection K of Section 4 of that act, are each reduced by four percent rounded to the nearest one hundred dollars ($100).

B. The general fund appropriations to the human services department for the medical assistance program and the medicaid behavioral health program of the human services department in Section 4 of the General Appropriation Act of 2020 are each reduced by three percent, rounded to the nearest one hundred dollars ($100).

C. The general fund appropriations to the department of health in Section 4 of the General Appropriation Act of 2020 are each reduced by two percent.

D. The following general fund appropriations in Section 4 of the General Appropriation Act of 2020 are reduced by six percent, rounded to the nearest one hundred dollars ($100):

(1) appropriations to the department of finance and administration for dues and membership fees or special appropriations;

(2) appropriations to each institution of higher education, except appropriations for instruction and general purposes and appropriations to the New Mexico department of agriculture, cooperative extension service and agricultural experiment station, which shall be reduced as provided for in Subsection A of this section;

(3) appropriations for the regional education cooperatives; and

(4) appropriations to the public education department for special appropriations.

E. To meet the reductions required by this section and maintain government efficiency, each agency shall determine the amount of reduction applied to each specific program or purpose. The department of finance and administration shall provide guidance to each

agency provided for in this section to assist the agency in targeting program reductions that will minimize the impact of the reductions on direct services provided by the agency."

SECTION 3. A new section of the General Appropriation Act of 2020 is enacted to read:

"ADDITIONAL APPROPRIATION REDUCTIONS AND CHANGES--SECTION 4.--

A. In addition to the general fund reductions in Sections 2, 4 and 5 of this 2020 act, the general fund appropriation in Section 4 of the General Appropriation Act of 2020 to:

(1) the facilities management program of the general services department is reduced by six hundred thousand dollars ($600,000);

(2) the elections program of the secretary of state is reduced by five hundred thousand dollars ($500,000);

(3) the marketing and promotion program of the tourism department is reduced by six hundred thousand dollars ($600,000);

(4) the economic development program of the economic development department is reduced by five hundred thousand dollars ($500,000);

(5) the spaceport authority is reduced by six hundred thousand dollars ($600,000);

(6) program support of the state engineer is reduced by four hundred thousand dollars ($400,000);

(7) the early childhood education and care program of the early childhood education and care department is reduced by three million three hundred thousand dollars ($3,300,000);

(8) the public pre-kindergarten program of the early childhood education and care department is reduced by one million dollars ($1,000,000);

(9) program support of the early childhood education and care department is reduced by six hundred seventy-one thousand four hundred dollars ($671,400);

(10) the medical assistance program of the human services department is reduced by seventeen million dollars ($17,000,000);

(11) the income support program of the human services department is reduced by one million one hundred twenty-seven thousand four hundred dollars ($1,127,400);

(12) the behavioral health services program of the human services department is reduced by five hundred thousand dollars ($500,000);

(13) program support of the human services department is reduced by five hundred seventy-two thousand six hundred dollars ($572,600);

(14) the developmental disabilities support program of the department of health is reduced by two million four hundred thousand dollars ($2,400,000);

(15) program support of the department of health is reduced by six hundred thousand dollars ($600,000);

(16) the water protection program of the department of environment is reduced by four hundred thousand dollars ($400,000);

(17) the protective services program of the children, youth and families department is reduced by one million dollars ($1,000,000);

(18) program support of the children, youth and families department is reduced by five hundred thousand dollars ($500,000);

(19) the law enforcement program of the department of public safety is reduced by one million dollars ($1,000,000); and

(20) the opportunity scholarship program of the higher education department is reduced by seven million dollars ($7,000,000).

B. Notwithstanding any other provision of the General Appropriation Act of 2020, the college of agriculture, consumer and environmental sciences of New Mexico state university shall not transfer the staff position and funding for the rodeo coach to the athletics department."

SECTION 4. A new section of the General Appropriation Act of 2020 is enacted to read:

"REDUCTIONS ACCOUNTING FOR FEDERAL FUND ALLOCATIONS--SECTION 4.--

A. In addition to the general fund reductions in Sections 2, 3 and 5 of this 2020 act, to account for certain funds received through the federal Coronavirus Aid, Relief, and Economic Security Act, other state funds and federal funds, the general fund appropriations in Section 4 of the General Appropriation Act of 2020 to:

(1) the early childhood education and care department is reduced by five million dollars ($5,000,000);

(2) the department of health is reduced by seven million dollars ($7,000,000);

(3) the human services department is reduced by seventy-five million dollars ($75,000,000);

(4) the instruction and general purposes appropriations to each higher education institution are reduced by eighteen million seven hundred ninety-five thousand four hundred dollars ($18,795,400);

(5) the health sciences center of the university of New Mexico for instruction and general purposes is reduced by one million two hundred four thousand six hundred dollars ($1,204,600);

(6) the public education department special appropriations in Subsection I are reduced by ten million dollars ($10,000,000), in proportion to each special appropriation's share of total public education department special appropriations to reflect funding support from the governor's emergency education relief fund of the federal Coronavirus Aid, Relief, and Economic Security Act; and

(7) the state equalization guarantee distribution provided in Item (1) of Subsection K is reduced by forty-four million six hundred sixty-one thousand dollars ($44,661,000) to reflect funding support from the elementary and secondary school emergency relief fund of the federal Coronavirus Aid, Relief, and Economic Security Act.B. To administer the reductions provided in Paragraph (4) of Subsection A of this section, the department of finance and administration shall reduce the general fund allotment for instruction and general purposes appropriations to each higher education public college and university by thirty-three and one-half percent of the amount each institution received pursuant to the federal Coronavirus Aid, Relief, and Economic Security Act."

SECTION 5. A new section of the General Appropriation Act of 2020 is enacted to read:

"ADDITIONAL PUBLIC EDUCATION AND PUBLIC SCHOOL SUPPORT APPROPRIATION REDUCTIONS AND CHANGES--SECTION 4.--

A. In addition to the general fund reductions provided in Section 4 of this 2020 act, the general fund appropriation to the state equalization guarantee distribution in Item (1) of Subsection K of the General Appropriation Act of 2020 is reduced by one hundred forty-six million one hundred ninety-eight thousand nine hundred dollars ($146,198,900).

B. As provided in Item (1) of Subsection K of the General Appropriation Act of 2020, in lieu of the:

(1) six million dollars ($6,000,000) for elementary physical education programs, no additional funding shall be included for elementary physical education programs;

(2) one hundred nineteen million eight hundred ninety-five thousand nine hundred dollars ($119,895,900) for K-5 plus programs, seventy-nine million eight hundred ninety-five thousand nine hundred dollars ($79,895,900) shall be included for K-5 plus programs;

(3) ten million dollars ($10,000,000) to provide evidence-based structured literacy interventions and develop literacy collaborative models that lead to improved reading and writing achievement of students in kindergarten through second grade, eight million dollars ($8,000,000) shall be included to provide evidence-based structured literacy interventions and develop literacy collaborative models that lead to improved reading and writing achievement of students in kindergarten through second grade;

(4) fifty-nine million one hundred eighty thousand two hundred dollars ($59,180,200) to provide an average four percent salary increase to all licensed teachers whose primary duty is classroom instruction, no additional funding shall be included to provide salary increases for licensed teachers whose primary duty is classroom instruction, and the secretary of public education shall not require that the operating budget of a school district or charter school provide an average four percent salary increase for licensed teachers whose primary duty is classroom instruction; and

(5) thirty-three million four hundred forty- seven thousand four hundred dollars ($33,447,400) to provide salary increases to all school personnel, other than licensed teachers whose primary duty is classroom instruction, no additional funding shall be included to provide salary increases for school personnel, other than licensed teachers whose primary duty is classroom instruction, and the secretary of public education shall not require that the operating budget of a school district or charter school provide an average four percent salary increase for all school personnel, other than licensed teachers whose primary duty is classroom instruction.

C. The changes provided in Subsection B of this section shall not be construed to require additional reductions to the total general fund appropriation to the state equalization guarantee distribution in Item (1) of Subsection K of the General Appropriation Act of 2020.

D. The general fund appropriation to the state equalization guarantee distribution includes sufficient funding to provide an average one percent salary increase for all school personnel, other than licensed school administrators who are employed as licensed school administrators and unlicensed school employees employed to perform primarily district-wide management functions. School districts and charter schools shall submit a plan to the public education department detailing the implementation of the salary increases.

E. An elementary school that provided all enrolled elementary school students at least twenty-five additional instructional days beyond the number of regular instructional days provided in the 2018-2019 school year is eligible to generate K-5 plus program units using the average number of elementary school students enrolled in that elementary school on the second and third reporting date of the 2019-2020 school year multiplied by the cost differential factor of three-tenths as established in Section 22-8-23.11 NMSA 1978.

F. Notwithstanding provisions of the K-5 Plus Act, the secretary of public education may waive up to ten days of a K-5 plus program in an elementary school that offers the program to all enrolled students and is closed due to a public health emergency in fiscal year 2021.

G. The public education department shall work with school districts and charter schools to prioritize additional instructional time for all students through participation in extended learning time programs authorized by Section 22-8-23.10 NMSA 1978 to recover instructional time that was lost to students during the 2019-2020 school year due to the public health emergency. A school district or charter school is eligible to generate additional program units using the average number of students enrolled in the school district or charter school on the second and third reporting date of the 2019-2020 school year multiplied by the cost differential factor of eleven-hundredths as established in Section 22-8-23.10 NMSA 1978 if the school district or charter school provides all enrolled students:

(1) ten additional instructional days beyond the number of regular instructional days provided in the 2018-2019 school year;

(2) a five-day school week and one hundred ninety instructional days during the 2020-2021 school year; or

(3) a four-day school week and one hundred sixty instructional days during the 2020-2021 school year.

H. A school district or charter school that chooses not to add the additional instructional time provided in Subsection G of this section shall provide written notification to the public education department, the legislative education study committee and the legislative finance committee of its intent not to participate and additional documentation detailing how the school district or charter school will recover instructional time that was lost to students during the 2019-2020 school year due to the public health emergency in its educational plan pursuant to Section 22-8-6 NMSA 1978.

I. In addition to the authority provided in Item (1) of Subsection K of Section 4 of the General Appropriation Act of 2020 to the secretary of public education to determine a program unit value, the secretary of public education shall adjust the preliminary unit value used to establish budgets for the 2020-2021 school year by August 1, 2020, to account for any changes to the state equalization guarantee distribution. In adjusting the preliminary unit value in August, the public education department shall consult with the department of finance and administration, the legislative finance committee and the legislative education study committee.

J. If the secretary of public education determines that all legal remedies have been exhausted and a final court decision prohibits the deduction of federal revenue pursuant to Paragraph (2) of Subsection C of Section 22-8-25 NMSA 1978 that includes payments to school districts and charter schools commonly known as "impact aid funds" pursuant to 20 U.S.C. 7701 et seq., and formerly known as "PL 874 funds" for fiscal years 2020 and 2021, the state board of finance shall approve a transfer from the state-support reserve fund to make payments to impact aid school districts and charter schools affected by the court decision.

K. The appropriation from the general fund to the transportation distribution provided in Item (2) of Subsection K of Section 4 of the General Appropriation Act of 2020 is reduced by five million six hundred seven thousand nine hundred dollars ($5,607,900).

L. As provided in Item (2) of Subsection K of the General Appropriation Act of 2020, in lieu of the one million five hundred ninety-four thousand dollars ($1,594,000) to provide an average four percent salary increase for all public school transportation personnel, no additional funding shall be included to provide salary increases for public school transportation personnel, and the secretary of public education shall not require that the operating budget of a school district or charter school provide an average four percent salary increase for all public school transportation personnel.

M. The change provided in Subsection L of this section shall not be construed to require additional reductions to the general fund appropriation to the transportation distribution in Item (2) of Subsection K of the General Appropriation Act of 2020.

N. A school district or charter school shall not pay an increase of more than six percent for group health insurance premium increases that take effect in fiscal year 2021.

O. The appropriations from the general fund to the supplemental distribution, dual-credit instructional materials, Indian education fund and standards-based assessments in Subsection K of Section 4 of the General Appropriation Act of 2020 are reduced by four million fourteen thousand dollars ($4,014,000), as determined by the public education department.

P. The appropriations from the general fund to the public education department special appropriations in Subsection I of Section 4 of the General Appropriation Act of 2020 are reduced by three million four hundred fifteen thousand nine hundred dollars ($3,415,900) in proportion to each appropriation's share of total public education department special appropriations."

SECTION 6. A new section of the General Appropriation Act of 2020 is enacted to read:

"APPROPRIATION INCREASES--SECTION 4.--The appropriations in Section 4 of the General Appropriation Act of 2020 are each increased by the following:

A. the internal service funds or interagency transfers appropriation to the fiscal management and oversight program of the department of finance and administration in the other financing uses category is increased by seventeen million dollars ($17,000,000) from the tobacco settlement program fund for medicaid programs; and

B. the internal service funds or interagency transfers appropriations to the medical assistance program of the human services department is increased by seventeen million dollars ($17,000,000) from the department of finance and administration for medicaid programs."

SECTION 7. A new section of the General Appropriation Act of 2020 is enacted to read:

"APPROPRIATION REDUCTIONS AND CHANGES--SECTION 5.--

A. The appropriations in Section 5 of the General Appropriation Act of 2020 are each reduced by the following:

(1) the general fund appropriation to the administrative office of the courts to purchase and install furniture and equipment and convert permanent and long-term retention case files to digitization at magistrate courts in Item (8) is reduced by five hundred thousand dollars ($500,000);

(2) the general fund appropriation to the administrative office of the courts for a unified appropriation for magistrate court security personnel in Item (9) is reduced by two hundred thousand dollars ($200,000);

(3) the general fund appropriation to the first judicial district attorney to purchase office furniture and telephones in Item (19) is reduced by twenty-five thousand dollars ($25,000);

(4) the general fund appropriation to the public defender department to purchase vehicles in Item (24) is reduced by sixty thousand dollars ($60,000);

(5) the general fund appropriation to the department of finance and administration for a youth symphony music program and concerts in Roswell, New Mexico in Item (31) is reduced by seventy-five thousand dollars ($75,000);

(6) the general fund appropriation to the department of finance and administration for the civil legal services fund in Item (33) is reduced by fifty thousand dollars ($50,000);

(7) the general fund appropriation to the department of finance and administration for the local government division to work with Los Lunas to plan for a new hospital in Item (34) is reduced by one hundred thousand dollars ($100,000);

(8) the general fund appropriation to the general services department to purchase vehicles in Item (37) is reduced by two million dollars ($2,000,000);

(9) the general fund appropriation to the department of information technology for the replacement or upgrade of outdated information technology equipment and software in Item (42) is reduced by one million dollars ($1,000,000);

(10) the general fund appropriation to the economic development department for a twenty-year, statewide economic development plan in Item (47) is reduced by three hundred thousand dollars ($300,000);

(11) the general fund appropriation to the economic development department for economic development projects in Cibola and McKinley counties in Item (48) is reduced by one million five hundred thousand dollars ($1,500,000), including reductions of five hundred thousand dollars ($500,000) to the New Mexico institute of mining and technology, five hundred thousand dollars ($500,000) to New Mexico state university and five hundred thousand dollars ($500,000) pursuant to the Local Economic Development Act;

(12) the general fund appropriation to the economic development department for economic development projects pursuant to the Local Economic Development Act in Item (49) is reduced by five million dollars ($5,000,000);

(13) the general fund appropriation to the economic development department to the development training fund for the job training incentive program in Item (51) is reduced by one million dollars ($1,000,000);

(14) the general fund appropriation to the energy, minerals and natural resources department to promote cost effective investments in clean energy production and management for the purposes of growing the economy in Item (62) is reduced by five hundred thousand dollars ($500,000);

(15) the general fund appropriation to the state engineer for the interstate stream compact compliance and water development program to develop and fund a water management pilot project for the lower Rio Grande for fiscal years 2020 through 2023 in Item (67) is reduced by ten million dollars ($10,000,000);

(16) the general fund appropriation to the aging and long-term services department for the Kiki Saavedra senior dignity fund in Item (81) is reduced by one million dollars ($1,000,000);

(17) the general fund appropriation to the department of health for master planning assessments for five department of health hospitals in Item (93) is reduced by four hundred thousand dollars ($400,000);

(18) the general fund appropriation to the office of the natural resources trustee for the natural resources trustee fund in Item (101) is reduced five hundred thousand dollars ($500,000);

(19) the general fund appropriation to the corrections department for hepatitis c treatment and planning in Item (104) is reduced by three million dollars ($3,000,000);

(20) the general fund appropriation to the department of public safety to purchase a robot for the New Mexico state police bomb squad in Item (109) is reduced by four hundred eleven thousand dollars ($411,000);

(21) the general fund appropriation to the department of public safety to purchase and equip law enforcement vehicles in Item (113) is reduced by two million six hundred thousand dollars ($2,600,000);

(22) the general fund appropriation to the homeland security and emergency management department for border security, public health and communications, including one hundred thousand dollars ($100,000) for distribution to law enforcement agencies in border counties, in Item (114) is reduced by three hundred fifty thousand dollars ($350,000);

(23) the general fund appropriation to the homeland security and emergency management department for office furniture in Item (116) is reduced by thirty-four thousand three hundred dollars ($34,300);

(24) the general fund appropriation to the homeland security and emergency management department to purchase vehicles in Item (117) is reduced by five hundred fifty thousand dollars ($550,000);

(25) the appropriation made from the public education reform fund to the public education department to develop culturally and linguistically appropriate instructional materials and curricula in Item (120) is reduced by eight million dollars ($8,000,000);

(26) the appropriation made from the public education reform fund to the public education department for a school budget transparency website in Item (124) is reduced by three million dollars ($3,000,000);

(27) the appropriation made from the public education reform fund to the public education department for school improvement grants at public schools previously identified as a more rigorous intervention school by the public education department in Item (127) is reduced by two million nine hundred thirty-three thousand one hundred dollars ($2,933,100);

(28) the appropriation made from the public education reform fund to the public education department for a statewide special education convening in Item (129) is reduced by seven hundred fifty thousand dollars ($750,000);

(29) the appropriation made from the public education reform fund to the public education department to place teachers in hard-to-staff schools and provide ongoing support and development in Item (131) is reduced by one million dollars ($1,000,000);

(30) the appropriation made from the public education reform fund to the public education department for teacher residencies in Item (132) is reduced by one million dollars ($1,000,000);

(31) the general fund appropriation to the higher education department for financial aid for low-income students in Item (135) is reduced by ten million dollars ($10,000,000), including reductions of five million dollars ($5,000,000) for the teacher preparation affordability scholarship fund and five million dollars ($5,000,000) for the opportunity scholarship;

(32) the general fund appropriation to New Mexico state university to the New Mexico department of agriculture for the soil and water conservation commission for a pilot agricultural and natural resources grant program in Item (138) is reduced by one million eight hundred thousand dollars ($1,800,000);

(33) the general fund appropriation to the computer systems enhancement fund for transfer to the computer systems enhancement fund for system replacements or enhancements in Item (139) is reduced by six million seven hundred thirty-three thousand nine hundred dollars ($6,733,900);

(34) the appropriation made from the public education reform fund to public school support to pilot summer extended learning opportunities in historically defined Indian impacted school districts or charter schools and school districts with a membership of fewer than two hundred, including early childhood education full-time- equivalent membership, in Item (140) is reduced by five million dollars ($5,000,000);

(35) the appropriation made from the public education reform fund to public school support for instructional materials in Item (141) is reduced by four million five hundred thousand dollars ($4,500,000); and

(36) the appropriation made from the public education reform fund to public school support to pilot K-12 plus programs and support public schools establishing partial K-5 plus programs that will comply with the K-5 Plus Act by fiscal year 2023 in Item (142) is reduced by thirty million dollars ($30,000,000).

B. In addition to the special appropriations provided in Section 5 of the General Appropriation Act of 2020:

(1) five hundred thousand dollars ($500,000) is appropriated from the general fund to the administrative office of the courts to distribute to district courts for the cost of new judgeships; and

(2) one million seven hundred thousand dollars ($1,700,000) is appropriated to the department of finance and administration to distribute to executive, legislative and judicial agencies to provide a one percent salary increase to cover cost increases of employee benefits for employees earning an annual salary of less than fifty thousand dollars ($50,000); provided that the agency is unable to provide these salary increases from the agency's operating budget.

C. The appropriations provided in Subsection B of this section may be expended in fiscal year 2021, and any unexpended balance of the appropriations remaining at the end of fiscal year 2021 shall revert to the general fund.

D. If funding from the federal Coronavirus Aid, Relief, and Economic Security Act is available, the department of finance and administration may use those funds to provide supplemental funding for the appropriations to the public education department or to public school support listed in Subsection A this section; provided that funding from the federal Coronavirus Aid, Relief, and Economic Security Act shall not exceed the total appropriation reduction for a purpose as provided by this section."

SECTION 8. A new section of the General Appropriation Act of 2020 is enacted to read:

"DEVELOPMENTAL DISABILITIES SUPPORT PROGRAM--REVERSION--SECTION 5.--Notwithstanding any other provision of the General Appropriation Act of 2020, the total amount of funds that shall revert pursuant to Item (89) of Section 5 of the General Appropriation Act of 2020 shall be seven million dollars ($7,000,000). Any unexpended balance over seven million dollars ($7,000,000) in the developmental disabilities support program of the department of health remaining at the end of fiscal year 2020 shall not revert to the general fund."

SECTION 9. A new section of the General Appropriation Act of 2020 is enacted to read:

"SUPPLEMENTAL AND DEFICIENCY APPROPRIATION REDUCTION--SECTION 6.--The general fund appropriation in Item (6) of Section 6 of the General Appropriation Act of 2020 to the public school insurance authority to the public school insurance fund to pay insurance claims is reduced by two million dollars ($2,000,000)."

SECTION 10. A new section of the General Appropriation Act of 2020 is enacted to read:

"INFORMATION TECHNOLOGY APPROPRIATION REDUCTIONS--SECTION 7.--The appropriations from the computer systems enhancement fund in Section 7 of the General Appropriation Act of 2020 are each reduced by the following:

A. the appropriation to the public defender department to implement an integrated document management system and a redundant storage system for digital archives in Item (3) is reduced by one million seventy thousand dollars ($1,070,000);

B. the appropriation to the department of finance and administration to develop a web-based interface for the comprehensive annual financial report system software in Item (7) is reduced by two hundred fifty thousand dollars ($250,000);

C. the appropriation to the personnel board to implement additional functionality in the human capital management module in the statewide human resource accounting and reporting system in Item (12) is reduced by two million five hundred thousand dollars ($2,500,000);

D. the appropriation to the tourism department to purchase and install interactive technology at four statewide visitor information centers in Item (13) is reduced by five hundred eighty-two thousand nine hundred dollars ($582,900);

E. the appropriation to the department of environment to implement an enterprise environmental information system for the department of environment programs in Item (35) is reduced by one million five hundred eighty-one thousand dollars ($1,581,000); and

F. the appropriation to the corrections department for the initiation and planning phase to implement an electronic health records system with a commercial off-the-shelf solution in Item (39) is reduced by seven hundred fifty thousand dollars ($750,000)."

SECTION 11. A new section of the General Appropriation Act of 2020 is enacted to read:

"COMPENSATION APPROPRIATIONS REDUCTION--SECTION 8.--The general fund appropriations for salary increases provided in Section 8 of the General Appropriation Act of 2020 are reduced by one hundred percent, and no salary increases shall be provided pursuant to that section."

SECTION 12. A new section of the General Appropriation Act of 2020 is enacted to read:

"SPECIAL TRANSPORTATION APPROPRIATION REDUCTION--SECTION 9.--The general fund appropriation in Item (1) of Section 9 of the General Appropriation Act of 2020 to the department of transportation is reduced by forty-five million dollars ($45,000,000)."

SECTION 13. A new section of the General Appropriation Act of 2020 is enacted to read:

"FUND TRANSFER REDUCTIONS--SECTION 10.--The general fund appropriation to the department of finance and administration to the early childhood endowment fund in fiscal year 2021 in Item (1) of Section 10 of the General Appropriation Act of 2020 shall be made to the early childhood education and care fund and is reduced by twenty million dollars ($20,000,000)."

SECTION 14. A new section of the General Appropriation Act of 2020 is enacted to read:

"ALLOCATION OF FEDERAL STIMULUS MONEY.--The state of New Mexico, including political subdivisions of the state, did not anticipate expenditures for the operation of government in budgets for fiscal year 2020 or fiscal year 2021 to respond to the coronavirus disease 2019 public health emergency. Of the money available at the time of this 2020 act from the federal Coronavirus Aid, Relief, and Economic Security Act state and local relief fund allocation to the state of New Mexico:

A. one hundred thirty million dollars ($130,000,000) shall be used for necessary expenditures incurred due to the coronavirus disease 2019 public health emergency, including reimbursing agencies for eligible expenditures in fiscal year 2020 and ongoing public health emergency needs in fiscal year 2021;

B. one hundred fifty million dollars ($150,000,000) shall be allocated by the department of finance and administration to cities and counties with a population of less than five hundred thousand residents for necessary expenditures responding to the public health emergency such as public safety, health and other government expenditures necessary for mitigating the effects, including secondary effects, of the public health emergency in fiscal year 2021, including reimbursing unforeseen expenditures in fiscal year 2020; provided that if the department of finance and administration allocates funds to each eligible city or county in the proportion that the population of the eligible city or county is to the total population of all eligible cities and counties, the population of an eligible city or county or municipality shall be determined by the most recent population estimate published by the United States census bureau that includes adequate data for the eligible city or county;

C. in addition to the amounts in Subsection B of this section, the department of finance and administration shall allocate an additional fifteen million dollars ($15,000,000) to the counties of Cibola, McKinley and San Juan, and municipalities within those counties, for the same purposes as set out in Subsection B of this section due to the extraordinary impact of the public health emergency, and associated unforeseen costs, in those jurisdictions; provided that if the department of finance and administration allocates funds to each eligible county or municipality in the proportion that the population of the eligible county is to the total population of all eligible counties and municipalities, the population of an eligible county or municipality shall be determined according to the most recent population estimate published by the United States census bureau that includes adequate data for the eligible county or municipality;

D. in addition to the amounts in Subsection B of this section, the department of finance and administration shall allocate an additional twenty-three million dollars ($23,000,000) for the governments of Indian nations, pueblos or tribes for the same purposes as set out in Subsection B of this section due to the extraordinary impact of the public health emergency, and associated unforeseen costs, in those jurisdictions;

E. seven hundred fifty million dollars ($750,000,000) shall be transferred to the appropriation account of the general fund for expenditure in fiscal year 2021 on expenditures reasonably necessary for the operation of government, including:

(1) necessary expenditures within state agencies, public schools and higher education to comply with the public health orders, including sanitation, alternative work and service delivery practices, and secondary effects to operations caused by the coronavirus disease 2019 public health emergency;

(2) public health, public health facilities, public safety, adult and juvenile corrections, human services, other non-medicaid health and behavioral health expenditures to comply with public health orders; and

(3) expenditures for public and higher education to deliver educational services, including facilitating social distancing and mitigating lost learning, and to facilitate economic support for businesses in New Mexico to have a skilled workforce; and

F. contingent on certification by the secretary of finance and administration of notice by the federal government disallowing the use of funds in the manner provided in Subsection E of this section, the department of finance and administration, public education department and higher education department shall specifically account for those expenses in Subsection E of this section in agency budgets, local education agency budgets and institutions of higher education budgets and account for the portion of the general fund allotment using the federal Coronavirus Aid, Relief, and Economic Security Act state relief fund instead."

SECTION 15. A new section of the General Appropriation Act of 2020 is enacted to read:

"TAX STABILIZATION RESERVE--TRANSFER.--Pursuant to Subsection E of Section 6-4-2.2 NMSA 1978, money in the tax stabilization reserve may be transferred as follows:

A. if, after accounting for all transfers to the general fund authorized by the General Appropriation Act of 2020, including transfers from the general fund operating reserve and the appropriation contingency fund, revenue and transfers in the general fund at the end of fiscal year 2020 are insufficient 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;

B. if, after accounting for all transfers to the general fund authorized by the General Appropriation Act of 2020, including transfers from the general fund operating reserve and the appropriation contingency fund, revenue and transfers in the general fund at the end of fiscal year 2021 are insufficient 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 seven hundred fifty million dollars ($750,000,000);

C. if the department of finance and administration certifies to the state board of finance that a portion or all of federal Coronavirus Aid, Relief, and Economic Security Act funds cannot be used, as provided for in Subsection E of Section 14 of this 2020 act, and if revenue and transfers to the general fund at the end of fiscal year 2021 are insufficient to meet appropriations, the governor, with the approval of the state board of finance, 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 no more than seven hundred fifty million dollars ($750,000,000) shall be transferred; and provided further that if any federal funds received by the state may be used to fund appropriations and transfers made pursuant to the General Appropriation Act of 2020 or this 2020 act, the transfer from the tax stabilization reserve made pursuant to this subsection shall be reduced by that amount of federal funds received; and

D. if the department of finance and administration determines that the federal government will not provide funding in the fourth quarter of calendar year 2020 to extend the enhancements provided to the medical assistance program provided in response to the coronavirus disease 2019 public health emergency, the governor, with the approval of the state board of finance, may transfer up to thirty-seven million five hundred thousand dollars ($37,500,000) to the human services department for the medical assistance program."

SECTION 16. A new section of the General Appropriation Act of 2020 is enacted to read:

"TOBACCO SETTLEMENT PERMANENT FUND--TRANSFER FOR THE MEDICAL ASSISTANCE PROGRAM.--Fifty percent of the fiscal year 2021 distribution to the state pursuant to the master settlement agreement entered into between tobacco product manufacturers and various states, including New Mexico, and executed November 23, 1998, shall be distributed to the tobacco settlement program fund; provided that this distribution is in addition to the annual distribution from the tobacco settlement permanent fund to the tobacco settlement program fund."

SECTION 17. A new section of the General Appropriation Act of 2020 is enacted to read:

"DEPARTMENT OF FINANCE AND ADMINISTRATION--AUTHORITY TO REQUIRE ADDITIONAL BUDGET DECREASES.--

A. During fiscal year 2021, 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 this 2020 act, will be insufficient to meet general fund appropriations for fiscal year 2021, general fund allotments shall be reduced as follows in the amount necessary to meet general fund appropriations for that fiscal year; provided that no allotment shall be reduced by more than two percent:

(1) the department of finance and administration, after review and an opportunity to comment by the legislative finance committee, shall reduce general fund allotments to each agency, program and other recipient that receives a general fund appropriation pursuant to Subsection C of Section 4 of the General Appropriation Act of 2020; provided that each agency shall be reduced by the same percentage;

(2) the administrative office of the courts shall reduce general fund allotments to each judicial agency, program and other recipient that receives a general fund appropriation pursuant to Subsection B of Section 4 of the General Appropriation Act of 2020; and

(3) the New Mexico legislative council shall reduce general fund allotments to each legislative agency, program and other recipient that receives a general fund appropriation pursuant to Laws 2020, Chapter 1, Sections 3 and 5 through 8.

B. The department of finance and administration shall provide guidance to each agency provided for in Paragraph (1) of Subsection A of this section to assist the agency in targeting program reductions that will minimize the impact of the reductions on direct services provided by the agency.

C. 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, the taxation and revenue department, the department of transportation and the legislative finance committee."

SECTION 18. A new section of the General Appropriation Act of 2020 is enacted to read:

"OPERATING BUDGETS AND ALLOTMENTS REDUCED TO COMPLY--OTHER REDUCTIONS TO CONFORM--OVER-ALLOTMENTS--DEPARTMENT OF FINANCE AND ADMINISTRATION.--

A. The department of finance and administration shall reduce fiscal year 2021 operating budgets and adjust allotments to comply with the provisions of this 2020 act and may reduce appropriations from other state funds, internal service or interagency transfers and federal funds as necessary to match the general fund reductions in the fiscal year 2021 operating budgets. The legislative finance committee shall review the adjusted operating budgets no later than August 1, 2020.

B. If, in Sections 1 through 15 of this 2020 act, a general fund appropriation or budget is reduced and funds in excess of the amount of the reduced appropriation or budget have already been allotted to the state agency receiving the appropriation, the department of finance and administration may reduce any other general fund allotment to the state agency in order to recoup the over-allotment of the reduced appropriation or budget. In the case of an appropriation made to one state agency but disbursed or transferred to another state agency, the department of finance and administration may reduce any other general fund allotment to the agency to which the appropriation was disbursed or transferred in order to recoup the over-allotment of the reduced appropriation or budget. The authority provided in this section is additional to any other power the department of finance and administration has to remedy over-allotments, and the grant of authority in this section shall not be deemed to be a legislative determination that the department of finance and administration does not otherwise have the authority provided in this section.

C. As used in this section, "state agency" means any department, institution, board, bureau, commission, district or committee of the government of the state and means every office or officer of any of the above."

SECTION 19. SPECIAL SESSION APPROPRIATION.--

A. The following amounts are appropriated from the legislative cash balances for expenditure in fiscal years 2020 and 2021 for the following expenses of the first special session of the fifty-fourth legislature:

(1) for the expense of the house of representatives, one hundred twenty-four thousand dollars ($124,000) 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, one hundred six thousand five hundred dollars ($106,500) 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, forty thousand dollars ($40,000) to be disbursed on vouchers signed by the director of the legislative council service or the director's designee to reimburse the department of public safety for providing security and protection for the legislature pursuant to Section 29-2-27 NMSA 1978.

B. Following adjournment of the first special session of the fifty-fourth 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.

SECTION 20. TEMPORARY PROVISION--EXTEND CENSUS APPROPRIATION--GENERAL APPROPRIATION ACT OF 2019.--The time of expenditure for the general fund appropriation to the department of finance and administration for planning to support local government complete count efforts and training for the 2020 census in Item (37) of Section 5 of the General Appropriation Act of 2019 is extended through fiscal year 2021.

SECTION 21. TEMPORARY PROVISION--STATE EQUALIZATION GUARANTEE DISTRIBUTION REVERSION--GENERAL APPROPRIATION ACT OF 2019.--Any unexpended balances in the state equalization guarantee distribution remaining at the end of fiscal year 2020 made from the general fund to Item (1) of Subsection K of Section 4 of the General Appropriation Act of 2019 shall not revert to the general fund but shall instead revert to the state-support reserve fund.

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