

The following list shows the statutory authority most commonly used. It is to be considered a guideline and does not represent all existing statutory authority for budget adjustments.

If you are not sure of the language citation to be used, please call your analyst at the State Budget Division before submitting your BAR.

General Fund, Other State Funds and Internal Service Funds/Interagency Transfers:

1. **Laws of 2024, 2nd Session, Chapter 69, Section 3 (F)** allows for FY25 budget decreases for items that are non-federal grant related. Note that tracking incoming revenue is an essential component of agency budget management and decrease BARs should be submitted to ensure agencies do not overspend revenue that is actually available.

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.

2. **Laws of 2024, 2nd Session, Chapter 69, Section 3 (I)** allows for FY25 budget increases for certain items such as grants, Board of Finance loans, insurance settlements, gifts, donations, other legislation, etc. If using other acts of the legislature, **make sure to include a copy of that statute and highlight the section of the statute providing your agency with the appropriation authority.**

I. 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 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.

PLEASE NOTE the following two differences from past BAR statutory authorities from the General Appropriation Act:

- Due to the inclusion of Sections 9 through 11, in the Laws of 2024, 2nd Session, Chapter 210, the correct citation for the most common FY25 BAR statutory authority will be **Section 13**.
 - The 2024 General Appropriation Act **does not** include broad program transfer authority. Program transfer authority for FY25 is limited to specific programs in certain agencies as detailed in **Laws of 2024, 2nd Session, Chapter 69, Section 13 (E)**.
3. **Laws of 2024, 2nd Session, Chapter 69, Section 13 (C)** allows for FY25 transfers between categories (*personal services and employee benefits, contractual services and other costs only, **not** other financing uses*):

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C. In addition to the specific category transfers authorized in Subsection E 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.

- 4. Laws of 2024, 1st Session, Chapter 210, Section 13 (D)** allows for FY25 budget increases subject to the five percent rule:

D. Unless a conflicting budget increase is authorized in Subsection E 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 2024. 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.

- 5. Laws of 2024, 2nd Session, Chapter 69, Section 13 (E)** allows for FY25 agency-specific budget adjustments according to the language denoted.

Federal Funds:

Use the following citation for all federal funds including flow-through from other agencies but not including TANF funds:

Section 6-3-23 (D) NMSA 1978

In addition to the citation above, **cabinet agencies** must also cite: **Section 9-1-5 (C) NMSA 1978.**