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**HOUSE BILL 501**

**45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002**

**INTRODUCED BY**

**Ted Hobbs**

**AN ACT**

**MAKING GENERAL APPROPRIATIONS AND AUTHORIZING EXPENDITURES BY  
STATE AGENCIES REQUIRED BY LAW.**

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

**Section 1. Laws 2001, Chapter 64, Section 3 is amended  
to read:**

**"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" indicate an intergovernmental  
transfer and do not represent a portion of total state  
government appropriations. All information designated as**

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1 "Totals" or "Subtotals" are provided for information and are  
2 not appropriations.

3 C. Amounts set out in Section 4 and Section 5 of  
4 the General Appropriation Act of 2001, or so much as may be  
5 necessary, are appropriated from the indicated source for  
6 expenditure in fiscal year 2002 for the objects expressed.

7 D. Unencumbered balances in agency accounts  
8 remaining at the end of fiscal year 2001 shall revert to the  
9 general fund by October 1, 2001, unless otherwise indicated in  
10 the General Appropriation Act of 2001 or otherwise provided by  
11 law.

12 E. Unencumbered balances in agency accounts  
13 remaining at the end of fiscal year 2002 shall revert to the  
14 general fund by October 1, 2002, unless otherwise indicated in  
15 the General Appropriation Act of 2001 or otherwise provided by  
16 law.

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

24 G. Except as otherwise specifically stated in the  
25 General Appropriation Act of 2001, appropriations are made in

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1 that act for the expenditures of agencies and for other  
2 purposes as required by existing law for fiscal year 2002. If  
3 any other act of the first session of the forty-fifth  
4 legislature or the second session of the forty-fifth  
5 legislature changes existing law with regard to the name or  
6 responsibilities of an agency or the name or purpose of a fund  
7 or distribution, the appropriation made in the General  
8 Appropriation Act of 2001 shall be transferred from the  
9 agency, fund or distribution to which an appropriation has  
10 been made as required by existing law to the appropriate  
11 agency, fund or distribution provided by the new law.

12 [~~H.~~] H. Pursuant to Sections 6-3-23 through 6-3-25  
13 NMSA 1978, agencies whose revenue from unforeseen federal  
14 funds, from state board of finance loans, from revenue  
15 appropriated by other acts of the legislature, or from gifts,  
16 grants, donations, bequests, insurance settlements, refunds,  
17 or payments into revolving funds which exceed specifically  
18 appropriated amounts, may request budget increases from the  
19 state budget division. If approved by the state budget  
20 division, such money is appropriated. In approving a budget  
21 increase from unforeseen federal funds, the director of the  
22 state budget division shall advise the legislative finance  
23 committee as to the source of the federal funds and the source  
24 and amount of any matching funds required.

25 [~~I.~~] I. To prevent unnecessary spending,

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1 expenditures from the General Appropriation Act of 2001 for  
2 gasoline for state-owned vehicles at public gasoline service  
3 stations shall be made only for self-service gasoline;  
4 provided that a state agency head may provide exceptions from  
5 the requirement to accommodate disabled persons or for other  
6 reasons the public interest may require.

7 [M-] J. When approving operating budgets based on  
8 appropriations in the General Appropriation Act of 2001, the  
9 state budget division is specifically authorized to approve  
10 only those budgets that are in accordance with generally  
11 accepted accounting principles for the purpose of properly  
12 classifying other financing sources and uses, including  
13 interfund, intrafund and interagency transfers.

14 K. The same appropriations for fiscal year 2002,  
15 with the same extensions and limitations, as are indicated in  
16 Sections 4, 5 and 11 and Items 5, 9, 29, 38, 43, 52, 53, 55,  
17 56, 75, 76 and 97 of Section 6 of the General Appropriation  
18 Act of 2001 shall continue for fiscal year 2003 and every  
19 fiscal year subsequent to fiscal year 2003, unless otherwise  
20 provided by law. "

21 Section 2. TRANSFER AUTHORITY. --

22 A. If revenues and transfers to the general fund,  
23 excluding transfers to the general fund operating reserve,  
24 appropriation contingency fund and public school state-support  
25 reserve, as of the end of fiscal year 2002, are not sufficient

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1 to meet appropriations, the governor, with state board of  
2 finance approval, may transfer at the end of that year the  
3 amount necessary to meet the year's obligations from the  
4 unencumbered balance remaining in the appropriation  
5 contingency fund in a total not to exceed eighty million  
6 dollars (\$80,000,000).

7 B. If, during fiscal year 2002 or 2003, the amount  
8 needed for medicaid, other payments or support to which the  
9 payee or recipient is legally entitled under state or federal  
10 law is greater than the appropriations for those payments, the  
11 governor, with the approval of the state board of finance, may  
12 transfer up to fifty million dollars (\$50,000,000) from the  
13 general fund operating reserve to the department of finance  
14 and administration for the purpose of distributing the amounts  
15 necessary to make the payments.

16 C. If the amount needed to maintain salaries and  
17 programs during fiscal year 2003, at the level funded for  
18 fiscal year 2002 by the General Appropriation Act of 2001;  
19 Laws 2001, Chapter 330; Laws 2001, Chapter 340; and Laws 2001,  
20 Chapter 344, Section 1 is greater than the appropriations made  
21 by Section 1 of this act, then the governor, with the approval  
22 of the state board of finance, may transfer up to seventy-four  
23 million dollars (\$74,000,000) from the general fund operating  
24 reserve to meet the shortfall.