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**HOUSE BILL 2**

**46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004**

**INTRODUCED BY**

**Max Coll**

**AN ACT**

**MAKING GENERAL APPROPRIATIONS AND AUTHORIZING EXPENDITURES BY  
STATE AGENCIES AND DISTRIBUTIONS FOR PUBLIC EDUCATION REQUIRED  
BY LAW.**

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

**Section 1. SHORT TITLE.--This act may be cited as the  
"General Appropriation Act of 2004".**

**Section 2. DEFINITIONS.--As used in the General  
Appropriation Act of 2004:**

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

**B. "expenditures" means costs, expenses,  
encumbrances and other financing uses, other than refunds  
authorized by law, recognized in accordance with generally**

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1 accepted accounting principles for the legally authorized  
2 budget amounts and budget period;

3 C. "federal funds" means any payments by the United  
4 States government to state government or agencies except those  
5 payments made in accordance with the federal Mineral Lands  
6 Leasing Act;

7 D. "general fund" means that fund created by  
8 Section 6-4-2 NMSA 1978 and includes federal Mineral Lands  
9 Leasing Act receipts, but excludes the general fund operating  
10 reserve and the appropriation contingency fund;

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

14 F. "internal service funds" means:

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

18 (2) unencumbered balances in agency internal  
19 service fund accounts appropriated by the General Appropriation  
20 Act of 2004;

21 G. "other state funds" means:

22 (1) unencumbered, nonreverting balances in  
23 agency accounts, other than in internal service fund accounts,  
24 appropriated by the General Appropriation Act of 2004;

25 (2) all revenue available to agencies from

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1 sources other than the general fund, internal service funds,  
2 interagency transfers and federal funds; and

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

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

10 Section 3. GENERAL PROVISIONS. --

11 A. For fiscal year 2005, appropriations are made as  
12 set out in Section 4 of the General Appropriation Act of 2004  
13 from the general fund, internal service funds and operating  
14 transfers or other revenues as indicated to state agencies  
15 named or for the purposes expressed, or so much thereof as may  
16 be necessary, within available revenue and unencumbered  
17 balances.

18 B. Unencumbered balances in agency accounts  
19 remaining at the end of fiscal year 2005 shall revert to the  
20 general fund by October 1, 2005, unless otherwise indicated in  
21 the General Appropriation Act of 2004 or otherwise provided by  
22 law.

23 C. The state budget division of the department of  
24 finance and administration shall monitor revenue received by  
25 agencies from sources other than the general fund and shall

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1 reduce the operating budget of any agency whose revenue from  
2 such sources is not meeting projections.

3 D. Except as otherwise specifically stated in the  
4 General Appropriation Act of 2004, appropriations are made in  
5 that act for the expenditures of agencies and for other  
6 purposes as required by existing law for fiscal year 2005. If  
7 any other act of the second session of the forty-sixth  
8 legislature changes existing law with regard to the name or  
9 responsibilities of an agency or the name or purpose of a fund  
10 or distribution, the appropriation made in the General  
11 Appropriation Act of 2004 shall be transferred from the agency,  
12 fund or distribution to which an appropriation has been made as  
13 required by existing law to the appropriate agency, fund or  
14 distribution provided by the new law.

15 E. Pursuant to Sections 6-3-23 through 6-3-25 NMSA  
16 1978, the state budget division may approve budget increases  
17 for fiscal year 2005 for agencies whose revenue from federal  
18 funds, from state board of finance loans, from revenue  
19 appropriated by other acts of the legislature or from gifts,  
20 donations, bequests, insurance settlements, refunds or payments  
21 into revolving funds exceed specifically appropriated amounts.  
22 Such money is appropriated. In approving a budget increase  
23 from federal funds, the director of the state budget division  
24 shall advise the legislative finance committee as to the source  
25 of the federal funds and the source and amount of any matching

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1 funds required.

2 F. The state budget division may approve increases  
3 in budgets for state agencies whose revenues from other state  
4 funds, internal service funds and operating transfers exceed  
5 amounts specified in the General Appropriation Act of 2004.  
6 Such other state funds, internal service funds and operating  
7 transfers are hereby appropriated.

8 G. When approving operating budgets based on  
9 appropriations in the General Appropriation Act of 2004, the  
10 state budget division is specifically authorized to approve  
11 only those budgets that are in accordance with generally  
12 accepted accounting principles for the purpose of properly  
13 classifying other financing sources and uses, including  
14 interfund, intrafund and interagency transfers. The state  
15 budget division may approve transfers of funds from one budget  
16 category to another budget category and from one division of an  
17 agency to another division/program of that agency, when  
18 approved operating budgets are established to include category  
19 and division/program levels.

20 H. Laws 2003, Chapter 76, Section 4 is repealed  
21 effective July 1, 2004.

22 Section 4. FISCAL YEAR 2005 APPROPRIATIONS. --

23 A. LEGISLATIVE. -- Fifteen million thirty thousand  
24 seven hundred dollars (\$15,030,700) is appropriated from the  
25 general fund to the legislative council service for allocation

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1 to legislative agencies in fiscal year 2005.

2 B. JUDICIAL. -- One hundred forty million one hundred  
3 ninety-one thousand seven hundred dollars (\$140,191,700) from  
4 the general fund, twelve million ten thousand three hundred  
5 dollars (\$12,010,300) from other revenue, ten million forty  
6 thousand six hundred dollars (\$10,040,600) from internal  
7 service funds/operating transfers and four million three  
8 hundred thirty-four thousand four hundred dollars (\$4,334,400)  
9 from federal funds is appropriated to the administrative office  
10 of the courts for allocation to judicial agencies in fiscal  
11 year 2005.

12 C. GENERAL CONTROL. -- One hundred forty-one million  
13 one hundred sixty-one thousand four hundred dollars  
14 (\$141,161,400) from the general fund, five hundred thirty  
15 million four hundred fifty-seven thousand five hundred dollars  
16 (\$530,457,500) from other revenue, two hundred eighty million  
17 five hundred fifty-five thousand five hundred dollars  
18 (\$280,555,500) from internal service funds/operating transfers  
19 and twenty-two million nine hundred sixty-eight thousand eight  
20 hundred dollars (\$22,968,800) from federal funds is  
21 appropriated to the department of finance and administration  
22 for allocation to general control agencies in fiscal year 2005.

23 D. COMMERCE AND INDUSTRY. -- Fifty-one million two  
24 hundred nine thousand nine hundred dollars (\$51,209,900) from  
25 the general fund, twenty-two million one hundred forty-nine

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1 thousand one hundred dollars (\$22,149,100) from other revenue,  
2 twenty-three million four hundred five thousand two hundred  
3 dollars (\$23,405,200) from internal service funds/operating  
4 transfers and five hundred one thousand two hundred dollars  
5 (\$501,200) from federal funds is appropriated to the department  
6 of finance and administration for allocation to commerce and  
7 industry agencies in fiscal year 2005.

8 E. AGRICULTURE, ENERGY AND NATURAL RESOURCES. --

9 Sixty-one million two hundred seventy-seven thousand two  
10 hundred dollars (\$61,277,200) from the general fund, forty-two  
11 million seven hundred eighty-six thousand eight hundred dollars  
12 (\$42,786,800) from other revenue, forty-two million six hundred  
13 forty-five thousand one hundred dollars (\$42,645,100) from  
14 internal service funds/operating transfers and twenty-three  
15 million three hundred thousand eight hundred dollars  
16 (\$23,300,800) from federal funds is appropriated to the  
17 department of finance and administration for allocation to  
18 agriculture, energy and natural resource agencies in fiscal  
19 year 2005.

20 F. HEALTH AND HUMAN SERVICES. --

21 Nine hundred eighty million seven hundred twenty-eight thousand one hundred dollars  
22 (\$980,728,100) from the general fund, one hundred thirty  
23 million thirty-one thousand dollars (\$130,031,000) from other  
24 revenue, two hundred twenty-five million six hundred  
25 thirty-four thousand two hundred dollars (\$225,634,200) from

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1 internal service funds/operating transfers and two billion  
2 seven hundred seventy-eight million one hundred five thousand  
3 two hundred dollars (\$2, 778, 105, 200) from federal funds is  
4 appropriated to the department of finance and administration  
5 for allocation to health and human services agencies in fiscal  
6 year 2005.

7 G. PUBLIC SAFETY. --Two hundred eighty-three million  
8 four hundred seventy-six thousand five hundred dollars  
9 (\$283, 476, 500) from the general fund, sixteen million seven  
10 hundred ninety-four thousand nine hundred dollars (\$16, 794, 900)  
11 from other revenue, fifteen million four hundred twenty-one  
12 thousand nine hundred dollars (\$15, 421, 900) from internal  
13 service funds/operating transfers and twenty-four million five  
14 hundred eighty-six thousand two hundred dollars (\$24, 586, 200)  
15 from federal funds is appropriated to the department of finance  
16 and administration for allocation to public safety agencies in  
17 fiscal year 2005.

18 H. TRANSPORTATION. --Three hundred ninety-eight  
19 million three hundred ninety-three thousand three hundred  
20 dollars (\$398, 393, 300) from other revenue and three hundred two  
21 million one hundred eighty-nine thousand three hundred dollars  
22 (\$302, 189, 300) from federal funds is appropriated to the  
23 department of finance and administration for allocation to  
24 transportation agencies in fiscal year 2005.

25 I. OTHER EDUCATION. --Twenty-three million four

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1 hundred thirty-nine thousand five hundred dollars (\$23, 439, 500)  
2 from the general fund, five million four hundred fifty-three  
3 thousand dollars (\$5, 453, 000) from other revenue, thirty-four  
4 million three hundred seventy thousand five hundred dollars  
5 (\$34, 370, 500) from internal service funds/operating transfers  
6 and thirty-eight million nine hundred ninety-two thousand eight  
7 hundred dollars (\$38, 992, 800) from federal funds is  
8 appropriated to the department of finance and administration  
9 for allocation to other education agencies in fiscal year 2005.

10 J. HIGHER EDUCATION. --Six hundred fifty-five  
11 million six hundred fifty thousand three hundred dollars  
12 (\$655, 650, 300) from the general fund, nine hundred one million  
13 nine hundred nineteen thousand one hundred dollars  
14 (\$901, 919, 100) from other revenue, thirty-two million eight  
15 hundred sixteen thousand eight hundred dollars (\$32, 816, 800)  
16 from internal service funds/operating transfers and four  
17 hundred seventy-eight million eighty-three thousand seven  
18 hundred dollars (\$478, 083, 700) from federal funds is  
19 appropriated to the commission on higher education for  
20 expenditure or allocation to higher education agencies in  
21 fiscal year 2005.

22 K. PUBLIC SCHOOL SUPPORT. --One billion nine hundred  
23 thirty-five million nine hundred forty thousand nine hundred  
24 dollars (\$1, 935, 940, 900) from the general fund is appropriated  
25 to the state department of public education for expenditure or

. 149363. 1

1 allocation to public school districts in fiscal year 2005.

2 Section 5. SEVERABILITY.--If any part or application of  
3 this act is held invalid, the remainder or its application to  
4 other situations or persons shall not be affected.

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