

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 655

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Ben D. Altamirano

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
"Supplemental General Appropriation Act of 2003".

Section 2. DEFINITIONS.--As used in the Supplemental
General Appropriation Act of 2003:

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

underscored material = new
[bracketed material] = del ete

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 cost-
17 reimbursement basis; and

18 (2) unencumbered balances in agency internal
19 service fund accounts appropriated by the Supplemental General
20 Appropriation Act of 2003;

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 Supplemental General Appropriation Act of
25 2003;

. 145245. 1

underscored material = new
[bracketed material] = delete

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

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

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

11 Section 3. GENERAL PROVISIONS. --

12 A. For fiscal year 2004, appropriations are made as
13 set out in Section 4 of the Supplemental General Appropriation
14 Act of 2003 from the general fund, internal service funds and
15 operating transfers or other revenues as indicated to state
16 agencies named or for the purposes expressed, or so much
17 thereof as may be necessary, within available revenue and
18 unencumbered balances.

19 B. Unencumbered balances in agency accounts
20 remaining at the end of fiscal year 2004 shall revert to the
21 general fund by October 1, 2004, unless otherwise indicated in
22 the Supplemental General Appropriation Act of 2003 or otherwise
23 provided by law.

24 C. The state budget division of the department of
25 finance and administration shall monitor revenue received by

. 145245. 1

underscored material = new
[bracketed material] = delete

1 agencies from sources other than the general fund and shall
2 reduce the operating budget of any agency whose revenue from
3 such sources is not meeting projections.

4 D. Except as otherwise specifically stated in the
5 Supplemental General Appropriation Act of 2003, appropriations
6 are made in that act for the expenditures of agencies and for
7 other purposes as required by existing law for fiscal year
8 2004. If any other act of the first session of the forty-sixth
9 legislature changes existing law with regard to the name or
10 responsibilities of an agency or the name or purpose of a fund
11 or distribution, the appropriation made in the Supplemental
12 General Appropriation Act of 2003 shall be transferred from the
13 agency, fund or distribution to which an appropriation has been
14 made as required by existing law to the appropriate agency,
15 fund or distribution provided by the new law.

16 E. Pursuant to Sections 6-3-23 through 6-3-25 NMSA
17 1978, the state budget division may approve budget increases
18 for fiscal year 2004 for agencies whose revenue from federal
19 funds, from state board of finance loans, from revenue
20 appropriated by other acts of the legislature or from gifts,
21 donations, bequests, insurance settlements, refunds or payments
22 into revolving funds exceeds specifically appropriated amounts.
23 Such money is appropriated. In approving a budget increase
24 from federal funds, the director of the state budget division
25 shall advise the legislative finance committee as to the source

. 145245. 1

underscored material = new
[bracketed material] = del ete

1 of the federal funds and the source and amount of any matching
2 funds required.

3 F. The state budget division may approve increases
4 in budgets for state agencies whose revenue from other state
5 funds, internal service funds and operating transfers exceeds
6 amounts specified in the Supplemental General Appropriation Act
7 of 2003. Such other state funds, internal service funds and
8 operating transfers are hereby appropriated.

9 G. When approving operating budgets based on
10 appropriations in the Supplemental General Appropriation Act of
11 2003, the state budget division is specifically authorized to
12 approve only those budgets that are in accordance with
13 generally accepted accounting principles for the purpose of
14 properly classifying other financing sources and uses,
15 including interfund, intrafund and interagency transfers. The
16 state budget division may approve transfers of funds from one
17 budget category to another budget category and from one
18 division of an agency to another division/program of that
19 agency, when approved operating budgets are established to
20 include category and division/program levels.

21 H. Laws 2002 (1st E. S.), Chapter 4, Section 4 is
22 repealed effective July 1, 2003.

23 Section 4. FISCAL YEAR 2004 APPROPRIATIONS. --

24 A. LEGISLATIVE. -- Fourteen million two hundred
25 eighty-five thousand five hundred dollars (\$14,285,500) is

. 145245. 1

underscored material = new
[bracketed material] = delete

1 appropriated from the general fund to the legislative council
2 service for allocation to legislative agencies in fiscal year
3 2004.

4 B. JUDICIAL. -- One hundred thirty-two million three
5 hundred forty thousand six hundred dollars (\$132,340,600) from
6 the general fund, ten million one hundred eight thousand one
7 hundred dollars (\$10,108,100) from other revenue, six million
8 six hundred ninety-nine thousand two hundred dollars
9 (\$6,699,200) from internal service funds/operating transfers,
10 eight hundred seventy-six thousand three hundred dollars
11 (\$876,300) from fund balances and five million ninety-five
12 thousand two hundred dollars (\$5,095,200) from federal funds is
13 appropriated to the administrative office of the courts for
14 allocation to judicial agencies in fiscal year 2004.

15 C. GENERAL CONTROL. -- One hundred thirty-four
16 million seven hundred sixty-six thousand seven hundred dollars
17 (\$134,766,700) from the general fund, four hundred thirty-eight
18 million six hundred twenty-four thousand nine hundred dollars
19 (\$438,624,900) from other revenue, two hundred sixty-four
20 million seven hundred six thousand one hundred dollars
21 (\$264,706,100) from internal service funds/operating transfers,
22 forty-six million eight hundred one thousand one hundred
23 dollars (\$46,801,100) from fund balances and twenty-two million
24 seven hundred eighty-eight thousand six hundred dollars
25 (\$22,788,600) from federal funds is appropriated to the

. 145245. 1

underscored material = new
[bracketed material] = delete

1 department of finance and administration for allocation to
2 general control agencies in fiscal year 2004.

3 D. COMMERCE AND INDUSTRY. --Forty-five million one
4 hundred eighty thousand three hundred dollars (\$45,180,300)
5 from the general fund, eight million two hundred sixty-six
6 thousand two hundred dollars (\$8,266,200) from other revenue,
7 twenty-three million eight hundred seven thousand nine hundred
8 dollars (\$23,807,900) from internal service funds/operating
9 transfers, thirteen million four hundred sixty-three thousand
10 seven hundred dollars (\$13,463,700) from fund balances and six
11 hundred sixteen thousand three hundred dollars (\$616,300) from
12 federal funds is appropriated to the department of finance and
13 administration for allocation to commerce and industry agencies
14 in fiscal year 2004.

15 E. AGRICULTURE, ENERGY AND NATURAL RESOURCES. --
16 Fifty-seven million four hundred twenty thousand nine hundred
17 dollars (\$57,420,900) from the general fund, thirty-eight
18 million two hundred sixty-four thousand four hundred dollars
19 (\$38,264,400) from other revenue, thirty-nine million one
20 hundred one thousand five hundred dollars (\$39,101,500) from
21 internal service funds/operating transfers, ten million three
22 hundred thirty thousand nine hundred dollars (\$10,330,900) in
23 fund balances and twenty million two hundred twenty thousand
24 seven hundred dollars (\$20,220,700) from federal funds is
25 appropriated to the department of finance and administration

. 145245. 1

1 for allocation to agriculture, energy and natural resource
2 agencies in fiscal year 2004.

3 F. HEALTH AND HUMAN SERVICES. -- Eight hundred
4 ninety-eight million two hundred twenty-three thousand dollars
5 (\$898,223,000) from the general fund, one hundred nine million
6 one hundred seven thousand six hundred dollars (\$109,107,600)
7 from other revenue, two hundred fourteen million three hundred
8 ninety-one thousand two hundred dollars (\$214,391,200) from
9 internal service funds/operating transfers, thirteen million
10 four hundred six thousand two hundred dollars (\$13,406,200)
11 from fund balances and two billion two hundred ninety-four
12 million three hundred fifty thousand six hundred dollars
13 (\$2,294,350,600) from federal funds is appropriated to the
14 department of finance and administration for allocation to
15 health and human services agencies in fiscal year 2004.

16 G. PUBLIC SAFETY. -- Two hundred seventy-seven
17 million five hundred fifty-two thousand four hundred dollars
18 (\$277,552,400) from the general fund, twelve million two
19 hundred sixty-three thousand eight hundred dollars
20 (\$12,263,800) from other revenue, seventeen million six hundred
21 fifty-four thousand five hundred dollars (\$17,654,500) from
22 internal service funds/operating transfers, one million four
23 hundred fifty-eight thousand six hundred dollars (\$1,458,600)
24 from fund balances and twenty-three million one hundred twenty
25 thousand one hundred dollars (\$23,120,100) from federal funds

. 145245. 1

underscored material = new
[bracketed material] = delete

1 is appropriated to the department of finance and administration
2 for allocation to public safety agencies in fiscal year 2004.

3 H. TRANSPORTATION. -- Three hundred twenty-four
4 million nine hundred sixty-nine thousand six hundred dollars
5 (\$324,969,600) from other revenue, seven million seven hundred
6 seventy-seven thousand eight hundred dollars (\$7,777,800) from
7 fund balances and three hundred three million two hundred
8 sixty-seven thousand seven hundred dollars (\$303,267,700) from
9 federal funds is appropriated to the department of finance and
10 administration for allocation to transportation agencies in
11 fiscal year 2004.

12 I. OTHER EDUCATION. -- Nineteen million seventy-nine
13 thousand nine hundred dollars (\$19,079,900) from the general
14 fund, sixteen million six hundred seventeen thousand two
15 hundred dollars (\$16,617,200) from other revenue, three million
16 five hundred seven thousand five hundred dollars (\$3,507,500)
17 from internal service funds/operating transfers and twelve
18 million nine hundred thirty-six thousand eight hundred dollars
19 (\$12,936,800) from federal funds is appropriated to the
20 department of finance and administration for allocation to
21 other education agencies in fiscal year 2004.

22 J. HIGHER EDUCATION. -- Six hundred six million two
23 hundred seventy-two thousand eight hundred dollars
24 (\$606,272,800) from the general fund, eight hundred fifty-four
25 million six hundred ten thousand nine hundred dollars

. 145245. 1

underscored material = new
[bracketed material] = delete

1 (\$854, 610, 900) from other revenue, fifty-two million nine
2 hundred ninety-seven thousand four hundred dollars
3 (\$52, 997, 400) from internal service funds/operating transfers,
4 six hundred nine thousand three hundred dollars (\$609, 300) from
5 fund balances and four hundred thirty-four million eight
6 hundred twenty-nine thousand three hundred dollars
7 (\$434, 829, 300) from federal funds is appropriated to the
8 commission on higher education for expenditure or allocation to
9 higher education agencies in fiscal year 2004.

10 K. PUBLIC SCHOOL SUPPORT. -- One billion eight
11 hundred thirty-one million one hundred sixty-five thousand six
12 hundred dollars (\$1, 831, 165, 600) from the general fund is
13 appropriated to the state department of public education for
14 expenditure or allocation to public school districts in fiscal
15 year 2004.

16 Section 5. SPECIAL APPROPRIATIONS. -- Thirteen million nine
17 hundred seventy-seven thousand dollars (\$13, 977, 000) from the
18 general fund and eight million six hundred thirty-nine thousand
19 seven hundred dollars (\$8, 639, 700) from other revenue is
20 appropriated to the department of finance and administration
21 for allocation to agencies in fiscal years 2003 and 2004. The
22 appropriations may be expended in fiscal years 2003 and 2004.
23 Unexpended or unencumbered balances of the appropriations
24 remaining at the end of fiscal year 2004 shall revert to the
25 appropriate fund.

1 Section 6. SUPPLEMENTAL AND DEFICIENCY APPROPRIATIONS. --

2 Twenty-six million two hundred twenty-four thousand dollars
3 (\$26,224,000) from the general fund and seventy-three million
4 nine hundred thirty-four thousand one hundred dollars
5 (\$73,934,100) from other revenue is appropriated to the
6 department of finance and administration for allocation to
7 agencies in fiscal year 2003 for fiscal year 2002 deficiencies.
8 Thirty-three million nine hundred fifteen thousand dollars
9 (\$33,915,000) from the general fund and one hundred fifty-one
10 million three hundred thirty-six thousand eight hundred dollars
11 (\$151,336,800) from other revenue is appropriated to the
12 department of finance and administration for allocation to
13 agencies in fiscal year 2003. Unexpended or unencumbered
14 balances of the appropriations remaining at the end of fiscal
15 year 2003 shall revert to the appropriate fund.

16 Section 7. COMPUTER SYSTEMS ENHANCEMENT FUND. -- Twelve
17 million seven hundred fifty thousand dollars (\$12,750,000) from
18 the general fund, two million five hundred thousand dollars
19 (\$2,500,000) from other revenue and eighteen million five
20 hundred fifty-two thousand seven hundred dollars (\$18,552,700)
21 from federal funds is appropriated to the computer systems
22 enhancement fund for expenditure in fiscal years 2003 and 2004.
23 The department of finance and administration shall allocate
24 amounts from the fund to state agencies for information
25 technology purposes. The appropriations may be expended in

. 145245. 1

1 fiscal years 2003 and 2004. Unexpended or unencumbered
2 balances of the appropriations remaining at the end of fiscal
3 year 2004 shall revert to the appropriate fund.

4 Section 8. ADDITIONAL FISCAL YEAR 2003 BUDGET ADJUSTMENT
5 AUTHORITY. -- During fiscal year 2003, subject to review and
6 approval by the department of finance and administration, in
7 addition to the budget adjustment authority granted in Laws
8 2002 (1st E. S.), Chapter 4, Section 9 and pursuant to Sections
9 6-3-23 through 6-3-25 NMSA 1978:

10 A. all legislative, judicial and executive agencies
11 may request category transfers;

12 B. all legislative, judicial and executive agencies
13 may request program transfers; and

14 C. all legislative, judicial and executive agencies
15 with revenues from sources other than the general fund may
16 request increases from those sources.

17 Section 9. CERTAIN FISCAL YEAR 2004 BUDGET ADJUSTMENTS
18 AUTHORIZED. --

19 A. As used in the Supplemental General
20 Appropriation Act of 2003:

21 (1) "budget category" means an item or an
22 aggregation of related items that represents the object of an
23 appropriation. Appropriations are made in lump sum for fiscal
24 year 2004;

25 (2) "budget increase" means an approved

. 145245. 1

underscored material = new
[bracketed material] = delete

1 increase in expenditures by an agency from a specific source;

2 (3) "division/program transfer" means an
3 approved transfer of funds from one division/program of an
4 agency to another division/program of that agency, provided
5 that the annual cumulative effect of division transfers shall
6 not increase or decrease the appropriation to any division by
7 more than seven and one-half percent; and

8 (4) "federal funds" means any payments by the
9 United States government to state government or agencies except
10 those payments made in accordance with the federal Mineral
11 Lands Leasing Act and except those payments made in accordance
12 with the federal temporary assistance for needy families block
13 grant and the federal Workforce Investment Act of 1998.

14 B. Budget adjustments are authorized pursuant to
15 Sections 6-3-23 through 6-3-25 NMSA 1978 for fiscal year 2004.

16 Section 10. GENERAL FUND OPERATING RESERVE--
17 CONTINGENCY.--Five hundred thousand dollars (\$500,000) is
18 appropriated from the general fund operating reserve to the
19 state board of finance emergency fund in fiscal year 2004 for
20 unanticipated emergencies.

21 Section 11. TRANSFER AUTHORITY.--If revenues and
22 transfers to the general fund, excluding transfers to the
23 general fund operating reserve, appropriation contingency fund
24 and public school state-support reserve fund as of the end of
25 fiscal year 2003 are not sufficient to meet appropriations, the

. 145245. 1

1 governor, with state board of finance approval, may transfer
2 the amount necessary to meet the year's obligations from the
3 unencumbered balance remaining in the general fund operating
4 reserve in a total not to exceed, one hundred thirty million
5 dollars (\$130,000,000).

6 Section 12. SEVERABILITY.--If any part or application of
7 this act is held invalid, the remainder or its application to
8 other situations or persons shall not be affected.

underscored material = new
[bracketed material] = delete

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25