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HOUSE BILL 7
43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997
INTRODUCED BY
FRANK BIRD

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 1997".

Section 2. DEFINITIONS. -- As used in the General
Appropriation Act of 1997:

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

1 accepted accounting principles for the legally authorized budget
2 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 Section
8 6-4-2 NMSA 1978 and includes the severance tax income fund and
9 federal Mineral Lands Leasing Act receipts;

10 E. "interagency transfers" means revenue transferred
11 from one agency to another through contracts or joint powers
12 agreements;

13 F. "internal service funds" means:

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

17 (2) unencumbered balances in agency internal
18 service fund accounts appropriated by the General Appropriation
19 Act of 1997;

20 G. "other state funds" means:

21 (1) unencumbered, nonreverting balances in
22 agency accounts, other than in internal service fund accounts,
23 appropriated by the General Appropriation Act of 1997;

24 (2) all revenue available to agencies from
25 sources other than the general fund, internal service funds,

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1 interagency transfers and federal funds; and

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

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

9 Section 3. GENERAL PROVISIONS. --

10 A. For fiscal year 1998 appropriations are made as
11 set out in Section 4 of the General Appropriation Act of 1997
12 from the general fund, internal service funds/operating
13 transfers or other revenues as indicated to state agencies named
14 or for the purposes expressed, or so much thereof as may be
15 necessary, within available revenue and unencumbered balances.

16 B. Unencumbered balances in agency accounts
17 remaining at the end of fiscal year 1997 shall revert to the
18 general fund by October 1, 1997, unless otherwise indicated in
19 the General Appropriation Act of 1997 or otherwise provided by
20 law.

21 C. Unencumbered balances in agency accounts
22 remaining at the end of fiscal year 1998 shall revert to the
23 general fund by October 1, 1998, unless otherwise indicated in
24 the General Appropriation Act of 1997 or otherwise provided by
25 law.

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1 D. The state budget division of the department of
2 finance and administration shall monitor revenue received by
3 agencies from sources other than the general fund and shall
4 reduce the operating budget of any agency whose revenue from
5 such sources is not meeting projections.

6 E. Except as otherwise specifically stated in the
7 General Appropriation Act of 1997, appropriations are made in
8 that act for the expenditures of agencies and for other purposes
9 as required by existing law for fiscal year 1998. If any other
10 act of the first session of the forty-third legislature changes
11 existing law with regard to the name or responsibilities of an
12 agency or the name or purpose of a fund or distribution, the
13 appropriation made in the General Appropriation Act of 1997
14 shall be transferred from the agency, fund or distribution, to
15 which an appropriation has been made as required by existing
16 law, to the appropriate agency, fund or distribution provided by
17 the new law.

18 F. During fiscal year 1998, the department of
19 finance and administration shall prepare and present quarterly
20 revenue estimates to the legislative finance committee. If
21 these revenue estimates indicate that revenue and transfers to
22 the general fund, excluding transfers to the general fund
23 operating reserve, the appropriation contingency fund or the
24 state support reserve fund, as of the end of fiscal year 1998,
25 are not expected to meet appropriations from the general fund,

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1 then the department shall present a plan to the legislative
2 finance committee.

3 G. Pursuant to Sections 6-3-23 through 6-3-25 NMSA
4 1978, the state budget division of the department of finance and
5 administration may approve budget increases for fiscal year 1998
6 for agencies whose revenue from federal funds, from state board
7 of finance loans, from revenue appropriated by other acts of the
8 legislature or from gifts, donations, bequests, insurance
9 settlements, refunds or payments into revolving funds exceed
10 specifically appropriated amounts. Such money is appropriated.
11 In approving a budget increase from federal funds, the director
12 of the state budget division shall advise the legislative
13 finance committee as to the source of the federal funds and the
14 source and amount of any matching funds required.

15 H. The state budget division of the department of
16 finance and administration may approve increases in budgets for
17 state agencies whose revenues from other state funds, internal
18 service funds and operating transfers exceed amounts specified
19 in the General Appropriation Act of 1997. Such other state
20 funds, internal service funds and operating transfers are hereby
21 appropriated.

22 I. When approving operating budgets based on
23 appropriations in the General Appropriation Act of 1997, the
24 state budget division of the department of finance and
25 administration is specifically authorized to approve only those

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1 budgets that are in accordance with generally accepted
2 accounting principles for the purpose of properly classifying
3 other financing sources and uses, including interfund, intrafund
4 and interagency transfers.

5 J. Laws 1996, Chapter 12, Section 4 is repealed
6 effective July 1, 1997.

7 Section 4. FISCAL YEAR 1998 APPROPRIATIONS. --

8 A. Legislative--Two million two hundred ninety-eight
9 thousand one hundred dollars (\$2,298,100) is appropriated from
10 the general fund to the legislative council service for
11 allocation to legislative agencies in fiscal year 1998.

12 B. Judicial--Eighty-nine million forty-six thousand
13 seven hundred dollars (\$89,046,700) from the general fund; four
14 million two hundred fifty-nine thousand five hundred dollars
15 (\$4,259,500) from other revenue; two million one hundred four
16 thousand nine hundred dollars (\$2,104,900) from internal service
17 funds and operating transfers; six hundred sixty-five thousand
18 seven hundred dollars (\$665,700) from fund balances; and three
19 hundred seventy-eight thousand four hundred dollars (\$378,400)
20 from federal funds are appropriated to the administrative office
21 of the courts for allocation to judicial agencies in fiscal year
22 1998.

23 C. General control--One hundred twenty-eight million
24 seven hundred eighty thousand three hundred dollars
25 (\$128,780,300) from the general fund; forty-three million three

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1 hundred two thousand seven hundred dollars (\$43,302,700) from
2 other revenue; three hundred thirty-two million five hundred
3 eighty-eight thousand two hundred dollars (\$332,588,200) from
4 internal service funds and operating transfers; two million five
5 hundred ninety-eight thousand dollars (\$2,598,000) from federal
6 funds; and four million two hundred fifty-four thousand one
7 hundred dollars (\$4,254,100) are appropriated from fund balances
8 to the department of finance and administration for allocation
9 to general control agencies in fiscal year 1998.

10 D. Commerce and industry--Twenty-nine million eight
11 hundred twenty-two thousand five hundred dollars (\$29,822,500)
12 from the general fund; twenty-one million four hundred fifty-
13 four thousand nine hundred dollars (\$21,454,900) from other
14 revenue; ten million three hundred ninety-eight thousand four
15 hundred dollars (\$10,398,400) from internal service funds and
16 operating transfers; five million one hundred twenty-nine
17 thousand three hundred dollars (\$5,129,300) from federal funds;
18 and thirteen million three hundred seven thousand dollars
19 (\$13,307,000) from fund balances are appropriated to the
20 department of finance and administration for allocation to
21 commerce and industry agencies in fiscal year 1998.

22 E. Agriculture, energy and natural resources--Fifty-
23 one million eight hundred sixty-seven thousand six hundred
24 dollars (\$51,867,600) from the general fund; twenty-eight
25 million three hundred one thousand six hundred dollars

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1 (\$28,301,600) from other revenue; eighteen million forty-one
2 thousand two hundred dollars (\$18,041,200) from internal service
3 funds and operating transfers; fifteen million eight hundred
4 ninety-six thousand five hundred dollars (\$15,896,500) in
5 federal funds; and one million nine hundred ninety-four thousand
6 four hundred dollars (\$1,994,400) in fund balances are
7 appropriated to the department of finance and administration for
8 allocation to agriculture, energy and natural resource agencies
9 in fiscal year 1998.

10 F. Health, hospitals and human services--Six hundred
11 twenty-seven million two hundred sixty-six thousand five hundred
12 dollars (\$627,266,500) from the general fund; eighty-three
13 million nine hundred fifty-eight thousand two hundred dollars
14 (\$83,958,200) from other revenue; one hundred sixteen million
15 seven hundred fifty-six thousand five hundred dollars
16 (\$116,756,500) from internal service funds and operating
17 transfers; one billion four hundred twenty-three million one
18 hundred ninety-three thousand dollars (\$1,423,193,000) from
19 federal funds; and one million nine hundred twelve thousand two
20 hundred dollars (\$1,912,200) from fund balances are appropriated
21 to the department of finance and administration for allocation
22 to health, hospitals and human services agencies in fiscal year
23 1998.

24 G. Public safety--One hundred ninety-two million
25 three hundred five thousand nine hundred dollars (\$192,305,900)

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1 from the general fund; eleven million seventy thousand seven
2 hundred dollars (\$11,070,700) from other revenue; six million
3 one hundred seventeen thousand seven hundred dollars
4 (\$6,117,700) from internal service funds and operating
5 transfers; nineteen million six hundred forty-nine thousand five
6 hundred dollars (\$19,649,500) from federal funds; and one
7 million thirty-three thousand six hundred dollars (\$1,033,600)
8 from fund balances are appropriated to the department of finance
9 and administration for allocation to public safety agencies in
10 fiscal year 1998.

11 H. Transportation--Three hundred seven million seven
12 hundred sixty-seven thousand dollars (\$307,767,000) from other
13 revenue; one hundred thirty-four thousand dollars (\$134,000)
14 from internal service funds and operating transfers; two hundred
15 million five hundred seven thousand four hundred dollars
16 (\$200,507,400) from federal funds; and one million five hundred
17 thousand dollars (\$1,500,000) from fund balances are
18 appropriated to the department of finance and administration for
19 allocation to transportation agencies in fiscal year 1998.

20 I. Other education--Sixteen million five hundred
21 thirty-five thousand five hundred dollars (\$16,535,500) from the
22 general fund; four million two hundred thirty-three thousand
23 three hundred dollars (\$4,233,300) from other revenue; eleven
24 million seven hundred thousand one hundred dollars (\$11,700,100)
25 from internal service funds and operating transfers; eleven

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1 million nine hundred five thousand seven hundred dollars
2 (\$11,905,700) in federal funds; and one million six hundred
3 thirty thousand two hundred dollars (\$1,630,200) in fund
4 balances are appropriated to the department of finance and
5 administration for allocation to other education agencies in
6 fiscal year 1998.

7 J. Higher education--Four hundred eighty-five
8 million three hundred fifty-seven thousand three hundred dollars
9 (\$485,357,300) from the general fund; six hundred thirty-two
10 million three hundred ninety-two thousand seven hundred dollars
11 (\$632,392,700) from other revenue; fifteen million three hundred
12 fifty thousand eight hundred dollars (\$15,350,800) from internal
13 service funds and operating transfers; two hundred seventy-three
14 million four hundred sixty-four thousand seven hundred dollars
15 (\$273,464,700) in federal funds; and one million six hundred
16 twelve thousand two hundred dollars (\$1,612,200) in fund
17 balances are appropriated to the commission on higher education
18 for expenditure or allocation to higher education agencies in
19 fiscal year 1998.

20 K. Public school support--One billion three hundred
21 thirty-one million six hundred twenty thousand one hundred
22 dollars (\$1,331,620,100) from the general fund and two million
23 two hundred fifty thousand dollars (\$2,250,000) from internal
24 service funds and operating transfers are appropriated to the
25 state department of public education for expenditure or

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1 allocation to public school districts in fiscal year 1998.

2 Section 5. RISK RESERVE FUND AND RISK FUNDS TRANSFERS
3 AUTHORIZED. --The department of finance and administration shall
4 transfer twenty million dollars (\$20,000,000) from the workers'
5 compensation account of the risk reserve fund to the public
6 liability account of the risk reserve fund effective in fiscal
7 year 1997.

8 Section 6. STATE SUPPORT RESERVE FUND. --One million two
9 hundred fifty thousand dollars (\$1,250,000) is appropriated from
10 the state support reserve fund to the instructional material
11 fund in fiscal year 1998.

12 Section 7. RISK RESERVE FUND AND RISK MANAGEMENT FUND
13 TRANSFERS. --The department of finance and administration shall
14 transfer three million three hundred forty-two thousand five
15 hundred dollars (\$3,342,500) from the public liability account
16 in the risk reserve fund to the public liability fund; forty-two
17 thousand three hundred dollars (\$42,300) from the surety bond
18 account in the risk reserve fund to the surety bond fund; and
19 eleven million five hundred seventy-six thousand four hundred
20 dollars (\$11,576,400) from the workers' compensation account in
21 the risk reserve fund to the workers' compensation fund
22 effective in fiscal year 1998.

23 Section 8. GENERAL FUND OPERATING RESERVE--CONTINGENCY. --
24 One million dollars (\$1,000,000) is appropriated from the
25 operating reserve to the board of finance emergency fund in

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1 fiscal year 1998 for unanticipated emergencies approved by the
2 board of finance.

3 Section 9. APPROPRIATION-- OPERATING RESERVE. --Twenty
4 million dollars (\$20,000,000) is appropriated from the operating
5 reserve to the appropriations contingency fund for payments
6 associated with the costs of fiscal year 1997 and 1998
7 disasters.

8 Section 10. TRANSFER AUTHORITY. --If revenues and transfers
9 to the general fund, excluding transfers to the operating
10 reserve fund, appropriation contingency fund and public school
11 support reserve fund as of the end of fiscal year 1997 are not
12 sufficient to meet appropriations, the governor, with state
13 board of finance approval, may transfer the amount necessary to
14 meet the year's obligations from the unencumbered balance
15 remaining in the general fund operating reserve fund in a total
16 not to exceed sixty million dollars (\$60,000,000).

17 Section 11. SEVERABILITY. --If any part or application of
18 this act is held invalid, the remainder or its application to
19 other situations or persons shall not be affected.