

HOUSE BILL 23

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,
2000**

INTRODUCED BY

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AN ACT

MAKING GENERAL APPROPRIATIONS AND AUTHORIZING EXPENDITURES BY
STATE AGENCIES AND DISTRIBUTIONS FOR PRIMARY AND SECONDARY
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 2000".

Section 2. DEFINITIONS.--As used in the General
Appropriation Act of 2000:

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
accepted accounting principles for the legally authorized

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1 budget amounts and budget period;

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

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

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 from an agency for
16 the 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
20 Appropriation Act of 2000;

21 G. "other state funds" means:

22 (1) unencumbered, nonreverting balances in
23 agency accounts, other than in internal service fund
24 accounts, appropriated by the General Appropriation Act of
25 2000;

(2) all revenue available to agencies from
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
3 restricted 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
6 other 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. Fiscal year 2001 appropriations are made as set
11 out in Section 4 of the General Appropriation Act of 2000
12 from the general fund, internal service funds and operating
13 transfers or other revenues as indicated to state agencies
14 named or for the purposes expressed, or so much thereof as
15 may be necessary, within available revenue and unencumbered
16 balances.

17 B. Unencumbered balances in agency accounts
18 remaining at the end of fiscal year 2000 shall revert to the
19 general fund by October 1, 2000, unless otherwise indicated
20 in the General Appropriation Act of 2000 or otherwise
21 provided by law.

22 C. Unencumbered balances in agency accounts
23 remaining at the end of fiscal year 2001 shall revert to the
24 general fund by October 1, 2001, unless otherwise indicated
25 in the General Appropriation Act of 2000 or otherwise
provided by law.

D. The state budget division of the department of

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

5 E. Except as otherwise specifically stated in the
6 General Appropriation Act of 2000, appropriations are made in
7 that act for the expenditures of agencies and for other
8 purposes as required by existing law for fiscal year 2001.
9 If any other act of the second session of the forty-fourth
10 legislature changes existing law with regard to the name or
11 responsibilities of an agency or the name or purpose of a
12 fund or distribution, the appropriation made in the General
13 Appropriation Act of 2000 shall be transferred from the
14 agency, fund or distribution to which an appropriation has
15 been made as required by existing law to the appropriate
16 agency, fund or distribution provided by the new law.

17 F. During fiscal year 2001, the department of
18 finance and administration shall prepare and present
19 quarterly revenue estimates to the legislative finance
20 committee. If these revenue estimates indicate that revenue
21 and transfers to the general fund, excluding transfers to the
22 general fund operating reserve, the appropriation contingency
23 fund or the state-support reserve fund, as of the end of
24 fiscal year 2001 are not expected to meet appropriations from
25 the general fund, then the department shall present a plan to
the legislative finance committee.

G. Pursuant to Sections 6-3-23 through 6-3-25 NMSA

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1 1978, the state budget division may approve budget increases,
2 budget transfers between all categories and budget transfers
3 between divisions for fiscal year 2001 for all agencies. For
4 agencies whose revenue from federal funds; from state board
5 of finance loans; from revenue appropriated by other acts of
6 the legislature; or from gifts, donations, bequests,
7 insurance settlements, refunds or payments into revolving
8 funds exceed specifically appropriated amounts, such money is
9 appropriated. In approving budget adjustment requests that
10 increase from federal funds, the director of the state budget
11 division shall advise the legislative finance committee as to
12 the source of the federal funds and the source and amount of
13 any matching funds required.

14 H. The state budget division may approve increases
15 in budgets for state agencies whose revenues from other state
16 funds, internal service funds and operating transfers exceed
17 amounts specified in the General Appropriation Act of 2000.
18 Such other state funds, internal service funds and operating
19 transfers are hereby appropriated.

20 I. When approving operating budgets based on
21 appropriations in the General Appropriation Act of 2000, the
22 state budget division is specifically authorized to approve
23 only those budgets that are in accordance with generally
24 accepted accounting principles for the purpose of properly
25 classifying other financing sources and uses, including
interfund, intrafund and interagency transfers. The state
budget division is authorized to approve transfers of funds

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1 from one budget category to another budget category and from
2 one division of an agency to another division of that agency
3 when approved operating budgets are established to include
4 category and division levels.

5 J. Laws 1999 (1st S.S.), Chapter 3, Section 4 is
6 repealed effective July 1, 2000.

7 Section 4. FISCAL YEAR 2001 APPROPRIATIONS.--

8 A. LEGISLATIVE--Eleven million nine hundred
9 fifteen thousand four hundred dollars (\$11,915,400) is
10 appropriated from the general fund to the legislative council
11 service for allocation to legislative agencies in fiscal year
12 2001.

13 B. JUDICIAL--One hundred eleven million nine
14 hundred forty-two thousand eight hundred dollars
15 (\$111,942,800) from the general fund; twelve million eighty-
16 seven thousand six hundred dollars (\$12,087,600) from other
17 revenue; three million four hundred forty-eight thousand
18 dollars (\$3,448,000) from internal service funds and
19 operating transfers; two hundred twenty-one thousand four
20 hundred dollars (\$221,400) from fund balances; and nine
21 hundred eighty-five thousand one hundred dollars (\$985,100)
22 from federal funds are appropriated to the administrative
23 office of the courts for allocation to judicial agencies in
24 fiscal year 2001.

25 C. GENERAL CONTROL--One hundred twenty-five
million four hundred fifty-three thousand seven hundred
dollars (\$125,453,700) from the general fund; ninety million

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1 eleven thousand six hundred dollars (\$90,011,600) from other
2 revenue; four hundred million six hundred twenty-eight
3 thousand seven hundred dollars (\$400,628,700) from internal
4 service funds and operating transfers; twenty-six million two
5 hundred eighty-eight thousand nine hundred dollars
6 (\$26,288,900) from federal funds; and fifty-five million four
7 hundred thirty-five thousand one hundred dollars
8 (\$55,435,100) from fund balances are appropriated to the
9 department of finance and administration for allocation to
10 general control agencies in fiscal year 2001.

11 D. COMMERCE AND INDUSTRY--Forty-three million four
12 hundred fifty thousand four hundred dollars (\$43,450,400)
13 from the general fund; twenty-six million six hundred sixty-
14 nine thousand seven hundred dollars (\$26,669,700) from other
15 revenue; thirteen million three hundred ninety-four thousand
16 eight hundred dollars (\$13,394,800) from internal service
17 funds and operating transfers; three hundred ninety-three
18 thousand four hundred dollars (\$393,400) from federal funds;
19 and one million three hundred ninety-seven thousand five
20 hundred dollars (\$1,397,500) from fund balances are
21 appropriated to the department of finance and administration
22 for allocation to commerce and industry agencies in fiscal
23 year 2001.

24 E. AGRICULTURE, ENERGY AND NATURAL RESOURCES--
25 Fifty-five million two hundred eleven thousand dollars
(\$55,211,000) from the general fund; thirty-three million
nine hundred fifty-two thousand four hundred dollars

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1 (\$33,952,400) from other revenue; thirty million nine hundred
2 sixty thousand three hundred dollars (\$30,960,300) from
3 internal service funds and operating transfers; nineteen
4 million seventy-seven thousand seven hundred dollars
5 (\$19,077,700) in federal funds; and fourteen million ninety-
6 eight thousand dollars (\$14,098,000) in fund balances are
7 appropriated to the department of finance and administration
8 for allocation to agriculture, energy and natural resource
9 agencies in fiscal year 2001.

10 F. HEALTH AND HUMAN SERVICES--Six hundred sixty-
11 seven million six hundred thousand dollars (\$667,600,000)
12 from the general fund; one hundred four million six hundred
13 fifty-five thousand five hundred dollars (\$104,655,500) from
14 other revenue; one hundred eighty-four million eight hundred
15 fifteen thousand six hundred dollars (\$184,815,600) from
16 internal service funds and operating transfers; one billion
17 six hundred twenty-six million two hundred sixty thousand
18 nine hundred dollars (\$1,626,260,900) from federal funds; and
19 eight million four thousand six hundred dollars (\$8,004,600)
20 from fund balances are appropriated to the department of
21 finance and administration for allocation to health and human
22 services agencies in fiscal year 2001.

23 G. PUBLIC SAFETY--Two hundred thirty-five million
24 one hundred thirty thousand nine hundred dollars
25 (\$235,130,900) from the general fund; eleven million five
hundred ninety-nine thousand five hundred dollars
(\$11,599,500) from other revenue; fourteen million nine

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1 hundred fifty-three thousand three hundred dollars
2 (\$14,953,300) from internal service funds and operating
3 transfers; thirteen million six hundred eighty-five thousand
4 five hundred dollars (\$13,685,500) from federal funds; and
5 two million two hundred thirty-two thousand nine hundred
6 dollars (\$2,232,900) from fund balances are appropriated to
7 the department of finance and administration for allocation
8 to public safety agencies in fiscal year 2001.

9 H. TRANSPORTATION--Three hundred fifty-one million
10 seven hundred thirty-five thousand dollars (\$351,735,000)
11 from other revenue; two hundred eighty-nine million two
12 hundred sixty thousand one hundred dollars (\$289,260,100)
13 from federal funds; and nineteen million three hundred
14 seventy-two thousand two hundred dollars (\$19,372,200) from
15 fund balances are appropriated to the department of finance
16 and administration for allocation to transportation agencies
17 in fiscal year 2001.

18 I. OTHER EDUCATION--Twenty-two million one hundred
19 thirty-three thousand nine hundred dollars (\$22,133,900) from
20 the general fund; sixteen million six hundred sixty-two
21 thousand one hundred dollars (\$16,662,100) from other
22 revenue; two million five hundred forty-seven thousand six
23 hundred dollars (\$2,547,600) from internal service funds and
24 operating transfers; seventeen million seventy thousand five
25 hundred dollars (\$17,070,500) in federal funds; and two
million two hundred fifty-three thousand one hundred dollars
(\$2,253,100) in fund balances are appropriated to the

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1 department of finance and administration for allocation to
2 other education agencies in fiscal year 2001.

3 J. HIGHER EDUCATION--Five hundred fifty-four
4 million five thousand seven hundred dollars (\$554,005,700)
5 from the general fund; seven hundred fifty million fifty-five
6 thousand eight hundred dollars (\$750,055,800) from other
7 revenue; two million six hundred fifty-one thousand one
8 hundred dollars (\$2,651,100) from internal service funds and
9 operating transfers; three hundred thirty-eight million two
10 hundred twenty-seven thousand three hundred dollars
11 (\$338,227,300) in federal funds; and thirteen million six
12 hundred sixty-five thousand eight hundred dollars
13 (\$13,665,800) in fund balances are appropriated to the
14 commission on higher education for expenditure or allocation
15 to higher education agencies in fiscal year 2001.

16 K. PRIMARY AND SECONDARY EDUCATION--One billion
17 five hundred ninety-three million thirty-four thousand
18 dollars (\$1,593,034,000) from the general fund is
19 appropriated to the state department of public education for
20 expenditure or allocation to public school districts in
21 fiscal year 2001.

22 Section 5. SALARY INCREASES--MAKING APPROPRIATIONS.--

23 A. GENERAL FUND--Seven million five hundred
24 thousand dollars (\$7,500,000) is appropriated from the
25 general fund to the department of finance and administration
for expenditure in fiscal year 2001 for allocation to state
agencies as authorized to provide salary increases to certain

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1 public employees and to implement certain salary studies
2 approved by the personnel board. Any unexpended or
3 unencumbered balances remaining at the end of fiscal year
4 2001 shall revert to the general fund.

5 B. OTHER STATE FUNDS--For those state employees
6 whose salaries are referenced in or received as a result of
7 nongeneral fund appropriations in the General Appropriation
8 Act of 2000, the department of finance and administration
9 shall authorize transfers from the appropriate fund to the
10 appropriate agency of the amount required for salary
11 increases equivalent to those provided for in Subsection A of
12 this section, and such amounts are appropriated for
13 expenditure in fiscal year 2001. Any unexpended or
14 unencumbered balance remaining at the end of fiscal year 2001
15 shall revert to the appropriate fund.

16 Section 6. SPECIAL APPROPRIATIONS.--Seventeen million
17 two hundred seventy-five thousand eight hundred dollars
18 (\$17,275,800) from the general fund; fourteen million eight
19 hundred eighty-two thousand five hundred dollars
20 (\$14,882,500) from federal funds; and one million six hundred
21 sixty-five thousand nine hundred dollars (\$1,665,900) from
22 fund balances are appropriated to the department of finance
23 and administration for allocation to agencies in fiscal year
24 2000 and 2001. The appropriations may be expended in fiscal
25 years 2000 and 2001. Unexpended or unencumbered balances of
the appropriations remaining at the end of fiscal year 2001
shall revert to the appropriate fund.

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1 Section 7. SUPPLEMENTAL AND DEFICIENCY APPROPRIATIONS.-
2 - Twenty-one million five hundred twenty-nine thousand seven
3 hundred dollars (\$21,529,700) from the general fund; twenty-
4 seven million seven hundred forty-eight thousand three
5 hundred dollars (\$27,748,300) from other revenue; thirty-
6 eight million three hundred sixty-two thousand two hundred
7 dollars (\$38,362,200) from federal funds; and one hundred
8 eighteen thousand seven hundred dollars (\$118,700) from
9 internal service funds and operating transfers are
10 appropriated to the department of finance and administration
11 for allocation to agencies in fiscal year 2000. Unexpended
12 or unencumbered balances of the appropriations remaining at
13 the end of fiscal year 2000 shall revert to the appropriate
14 fund.

15 Section 8. COMPUTER SYSTEM ENHANCEMENT FUND.--Ten
16 million eight hundred thirty thousand nine hundred dollars
17 (\$10,830,900) is appropriated from the general fund to the
18 computer systems enhancement fund for expenditure in fiscal
19 years 2000 and 2001. Ten million eight hundred thirty
20 thousand nine hundred dollars (\$10,830,900) from the computer
21 systems enhancement fund; eleven million five hundred
22 thousand dollars (\$11,500,000) from other revenue; and two
23 million seven hundred seventy thousand five hundred dollars
24 (\$2,770,500) from federal funds are appropriated to the
25 department of finance and administration for allocation to
 agencies in fiscal years 2000 and 2001. The department of
 finance and administration shall allocate amounts from the

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1 funds to state agencies for information technology purposes.
2 The appropriations may be expended in fiscal years 2000 and
3 2001. Unexpended or unencumbered balances of the
4 appropriations remaining at the end of fiscal year 2001 shall
5 revert to the appropriate fund.

6 Section 9. GENERAL FUND OPERATING RESERVE--CONTINGENCY.--
7 One million dollars (\$1,000,000) is appropriated from the
8 general fund operating reserve to the state board of finance
9 emergency fund in fiscal year 2001 for unanticipated emergencies
10 approved by the state board of finance.

11 Section 10. APPROPRIATION--GENERAL FUND OPERATING
12 RESERVE.--Three million dollars (\$3,000,000) is appropriated
13 from the general fund operating reserve to the appropriation
14 contingency fund.

15 Section 11. TRANSFER AUTHORITY.--If revenues and transfers
16 to the general fund, excluding transfers to the operating
17 reserve fund, appropriation contingency fund and public school-
18 support reserve fund, as of the end of fiscal year 2000 are not
19 sufficient to meet appropriations, the governor, with state
20 board of finance approval, may transfer the amount necessary to
21 meet the year's obligations from the unencumbered balance
22 remaining in the general fund operating reserve in a total not
23 to exceed sixty million dollars (\$60,000,000).

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