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HOUSE BILL 641

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Max Coll

AN ACT

**RELATING TO THE STATE FISC; PROVIDING THAT THE APPROPRIATION
CONTINGENCY FUND MAY BE EXPENDED IN CERTAIN CIRCUMSTANCES FOR
MEDICAID PAYMENTS; MAKING AN APPROPRIATION.**

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

**Section 1. Section 6-4-2.3 NMSA 1978 (being Laws 1991,
Chapter 10, Section 7) is amended to read:**

**"6-4-2.3. APPROPRIATION CONTINGENCY FUND. --There is
created within the general fund the "appropriation contingency
fund".**

**A. Except as provided in Subsection B of this
section, the appropriation contingency fund may be expended
only upon specific authorization by the legislature or as
provided in Sections 6-7-1 through 6-7-3 NMSA 1978 in the
event there is no surplus of unappropriated money in the**

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1 general fund and in the amount authorized by the legislature.

2 B. ~~[Notwithstanding Section 6-4-4 NMSA 1978, for~~
3 ~~the seventy-ninth fiscal year, if the revenues of the general~~
4 ~~fund exceed the total appropriations from the general fund,~~
5 ~~the excess revenue shall be transferred to the appropriation~~
6 ~~contingency fund.] In the event that amounts appropriated for~~
7 ~~medicaid payments in the general appropriation act fail to~~
8 ~~meet the total amount needed, pursuant to Sections 6-3-23~~
9 ~~through 6-3-25 NMSA 1978, the human services department may~~
10 ~~request a budget increase from the appropriation contingency~~
11 ~~fund for the necessary amounts.~~

12 ~~[C. Five million dollars (\$5,000,000) is~~
13 ~~transferred from the operating reserve fund to the public~~
14 ~~school state support reserve fund in the eightieth fiscal~~
15 ~~year.]~~

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

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1 Section 2. APPROPRIATION. -- One hundred sixty-three
2 million dollars (\$163,000,000) is appropriated in fiscal year
3 2001 from the general fund to the appropriation contingency
4 fund for the purpose of reserving revenue that may be needed
5 for medicaid payments pursuant to Subsection B of Section 6-4-
6 2.3 NMSA 1978. The appropriation shall not revert to the
7 general fund.

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