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HOUSE BILL 30
45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002
INTRODUCED BY
Lorenzo A. Larranaga

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 2002".

Section 2. DEFINITIONS.--As used in the General
Appropriation Act of 2002:

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
4 United States government to state government or agencies
5 except those payments made in accordance with the federal
6 Mineral Lands 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 General
20 Appropriation Act of 2002;

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 2002;

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 2003, appropriations are made
12 as set out in Section 4 of the General Appropriation Act of
13 2002 from the general fund, internal service funds and
14 operating transfers or other revenues as indicated to state
15 agencies named or for the purposes expressed, or so much
16 thereof as may be necessary, within available revenue and
17 unencumbered balances.

18 B. Unencumbered balances in agency accounts
19 remaining at the end of fiscal year 2003 shall revert to the
20 general fund by October 1, 2004, unless otherwise indicated in
21 the General Appropriation Act of 2002 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 2002, 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 2003. If
7 any other act of the second session of the forty-fifth
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 2002 shall be transferred from the
12 agency, fund or distribution to which an appropriation has
13 been made as required by existing law to the appropriate
14 agency, fund or 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 2003 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
21 payments into revolving funds exceed specifically appropriated
22 amounts. Such money is appropriated. In approving a budget
23 increase from federal funds, the director of the state budget
24 division shall advise the legislative finance committee as to
25 the source of the federal funds and the source and amount of

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1 any matching 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 2002.
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 2002, 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
17 an 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 2001, Chapter 64, Sections 4 and 5 are
21 repealed effective July 1, 2002.

22 Section 4. FISCAL YEAR 2003 APPROPRIATIONS. --

23 A. LEGISLATIVE. -- Fourteen million one hundred
24 seventy-nine thousand five hundred dollars (\$14,179,500) is
25 appropriated from the general fund to the legislative council

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1 service for allocation to legislative agencies in fiscal year
2 2003.

3 B. JUDICIAL. -- One hundred twenty-nine million two
4 hundred fifty-eight thousand two hundred dollars
5 (\$129,258,200) from the general fund, fifteen million two
6 hundred twenty-eight thousand dollars (\$15,228,000) from other
7 revenue, one million one hundred seventy-seven thousand eight
8 hundred dollars (\$1,177,800) from internal service
9 funds/operating transfers, three hundred three thousand two
10 hundred dollars (\$303,200) from fund balances and two million
11 six hundred ninety-one thousand two hundred dollars
12 (\$2,691,200) from federal funds is appropriated to the
13 administrative office of the courts for allocation to judicial
14 agencies in fiscal year 2003.

15 C. GENERAL CONTROL. -- One hundred thirty-five
16 million three hundred fifty thousand five hundred dollars
17 (\$135,350,500) from the general fund, three hundred one
18 million five hundred five thousand eight hundred dollars
19 (\$301,505,800) from other revenue, two hundred seventeen
20 million six hundred seventy-two thousand nine hundred dollars
21 (\$217,672,900) from internal service funds/operating
22 transfers, one hundred seventy-three million four hundred
23 three thousand one hundred dollars (\$173,403,100) from fund
24 balances and twenty-four million three hundred eighty-four
25 thousand two hundred dollars (\$24,384,200) from federal funds

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1 is appropriated to the department of finance and
2 administration for allocation to general control agencies in
3 fiscal year 2003.

4 D. COMMERCE AND INDUSTRY. --Forty-six million four
5 hundred thirteen thousand six hundred dollars (\$46,413,600)
6 from the general fund, twelve million seven hundred nine
7 thousand nine hundred dollars (\$12,709,900) from other
8 revenue, eighteen million six hundred ninety-nine thousand
9 nine hundred dollars (\$18,699,900) from internal service
10 funds/operating transfers, twelve million five hundred
11 seventy-three thousand nine hundred dollars (\$12,573,900) from
12 fund balances and four hundred sixty-eight thousand seven
13 hundred dollars (\$468,700) from federal funds is appropriated
14 to the department of finance and administration for allocation
15 to commerce and industry agencies in fiscal year 2003.

16 E. AGRICULTURE, ENERGY AND NATURAL RESOURCES. --
17 Fifty-nine million forty-three thousand dollars (\$59,043,000)
18 from the general fund, sixty-two million one hundred ninety-
19 three thousand seven hundred dollars (\$62,193,700) from other
20 revenue, sixteen million four hundred eighty-one thousand nine
21 hundred dollars (\$16,481,900) from internal service
22 funds/operating transfers, twelve million twenty-nine thousand
23 dollars (\$12,029,000) in fund balances and twenty-one million
24 seven hundred twelve thousand seven hundred dollars
25 (\$21,712,700) from federal funds is appropriated to the

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1 department of finance and administration for allocation to
2 agriculture, energy and natural resource agencies in fiscal
3 year 2003.

4 F. HEALTH AND HUMAN SERVICES. -- Eight hundred
5 eleven million eight hundred seventy-four thousand six hundred
6 dollars (\$811,874,600) from the general fund, three hundred
7 twelve million eight hundred twenty-two thousand three hundred
8 dollars (\$312,822,300) from other revenue, ten million five
9 hundred fifty-three thousand three hundred dollars
10 (\$10,553,300) from internal service funds/operating transfers,
11 thirteen million six hundred thirty-three thousand two hundred
12 dollars (\$13,633,200) from fund balances and two billion one
13 hundred sixty-one million four hundred twenty-four thousand
14 nine hundred dollars (\$2,161,424,900) from federal funds is
15 appropriated to the department of finance and administration
16 for allocation to health and human services agencies in fiscal
17 year 2003.

18 G. PUBLIC SAFETY. -- Two hundred seventy-one million
19 one hundred nineteen thousand two hundred dollars
20 (\$271,119,200) from the general fund, twenty-four million six
21 hundred forty-one thousand eight hundred dollars (\$24,641,800)
22 from other revenue, five million two hundred twelve thousand
23 three hundred dollars (\$5,212,300) from internal service
24 funds/operating transfers, one million eight hundred two
25 thousand one hundred dollars (\$1,802,100) from fund balances

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1 and twenty-one million seven hundred forty thousand dollars
2 (\$21,740,000) from federal funds is appropriated to the
3 department of finance and administration for allocation to
4 public safety agencies in fiscal year 2003.

5 H. TRANSPORTATION. -- Three hundred twenty-five
6 million four hundred eighty-three thousand three hundred
7 dollars (\$325,483,300) from other revenue, six million seven
8 hundred sixty-eight thousand eight hundred dollars
9 (\$6,768,800) from fund balances and three hundred nineteen
10 million one hundred fifty-four thousand dollars (\$319,154,000)
11 from federal funds is appropriated to the department of
12 finance and administration for allocation to transportation
13 agencies in fiscal year 2003.

14 I. OTHER EDUCATION. -- Twenty-nine million eight
15 hundred thirty-one thousand six hundred dollars (\$29,831,600)
16 from the general fund, seven million four hundred thirty-one
17 thousand one hundred dollars (\$7,431,100) from other revenue
18 and ten million six hundred thirty-one thousand dollars
19 (\$10,631,000) from federal funds is appropriated to the
20 department of finance and administration for allocation to
21 other education agencies in fiscal year 2003.

22 J. HIGHER EDUCATION. -- Five hundred ninety-three
23 million seven hundred fifty-eight thousand six hundred dollars
24 (\$593,758,600) from the general fund, eight hundred seventy-
25 three million six hundred twenty-four thousand six hundred

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1 dollars (\$873, 624, 600) from other revenue, nine hundred seven
2 thousand one hundred dollars (\$907, 100) from fund balances and
3 three hundred ninety-four million four hundred eighty-two
4 thousand five hundred dollars (\$394, 482, 500) from federal
5 funds is appropriated to the commission on higher education
6 for expenditure or allocation to higher education agencies in
7 fiscal year 2003.

8 K. PUBLIC SCHOOL SUPPORT. -- One billion seven
9 hundred seventy-six million three hundred forty-six thousand
10 dollars (\$1, 776, 346, 000) from the general fund is appropriated
11 to the state department of public education for expenditure or
12 allocation to public school districts in fiscal year 2003.

13 Section 5. SPECIAL APPROPRIATIONS. -- Twenty-two million
14 nine hundred eighty-seven thousand one hundred dollars
15 (\$22, 987, 100) from the general fund and six million two
16 hundred twenty-eight thousand nine hundred dollars
17 (\$6, 228, 900) from other revenue is appropriated to the
18 department of finance and administration for allocation to
19 agencies in fiscal years 2002 and 2003. The appropriations
20 may be expended in fiscal years 2002 and 2003. Unexpended or
21 unencumbered balances of the appropriations remaining at the
22 end of fiscal year 2003 shall revert to the appropriate fund.

23 Section 6. SUPPLEMENTAL AND DEFICIENCY APPROPRIATIONS. --
24 Seven hundred twenty-nine thousand dollars (\$729, 000) from the
25 general fund and nine hundred twenty-nine thousand five

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1 hundred dollars (\$929,500) from other revenue is appropriated
2 to the department of finance and administration for allocation
3 to agencies in fiscal year 2002 for fiscal year 2001
4 deficiencies. Twenty-three million two hundred eighty-two
5 thousand six hundred dollars (\$23,282,600) from the general
6 fund and forty-one million six hundred seventy-six thousand
7 dollars (\$41,676,000) from other revenue is appropriated to
8 the department of finance and administration for allocation to
9 agencies in fiscal year 2002. Unexpended or unencumbered
10 balances of the appropriations remaining at the end of fiscal
11 year 2002 shall revert to the appropriate fund.

12 Section 7. COMPUTER SYSTEMS ENHANCEMENT FUND. -- Eighteen
13 million ninety-seven thousand dollars (\$18,097,000) from the
14 general fund and thirty million seven hundred seventy thousand
15 dollars (\$30,770,000) from other revenue is appropriated to
16 the computer systems enhancement fund for expenditure in
17 fiscal years 2002 and 2003. The department of finance and
18 administration shall allocate amounts from the fund to state
19 agencies for information technology purposes. The
20 appropriations may be expended in fiscal years 2002 and 2003.
21 Unexpended or unencumbered balances of the appropriations
22 remaining at the end of fiscal year 2003 shall revert to the
23 appropriate fund.

24 Section 8. ADDITIONAL FISCAL YEAR 2002 BUDGET ADJUSTMENT
25 AUTHORITY. -- During fiscal year 2002, subject to review and

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1 approval by the department of finance and administration, in
2 addition to the budget adjustment authority granted in Laws
3 2001, Chapter 64, Section 11 and pursuant to Sections 6-3-23
4 through 6-3-25 NMSA 1978:

5 A. all legislative, judicial and executive
6 agencies may request category transfers; and

7 B. all legislative, judicial and executive
8 agencies with revenues from sources other than the general
9 fund may request increases from those sources.

10 Section 9. CERTAIN FISCAL YEAR 2003 BUDGET ADJUSTMENTS
11 AUTHORIZED. --

12 A. As used in the General Appropriation Act of
13 2002:

14 (1) "budget category" means an item or an
15 aggregation of related items that represents the object of an
16 appropriation. Appropriations are made in lump sum for fiscal
17 year 2002;

18 (2) "budget increase" means an approved
19 increase in expenditures by an agency from a specific source;

20 (3) "division/program transfer" means an
21 approved transfer of funds from one division/program of an
22 agency to another division/program of that agency, provided
23 that the annual cumulative effect of division transfers shall
24 not increase or decrease the appropriation to any division by
25 more than seven and one-half percent; and

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1 (4) "federal funds" means any payments by the
2 United States government to state government or agencies
3 except those payments made in accordance with the federal
4 Mineral Lands Leasing Act and except those payments made in
5 accordance with the federal temporary assistance for needy
6 families block grant and the federal Workforce Investment Act
7 of 1998.

8 B. Budget adjustments are authorized pursuant to
9 Sections 6-3-23 through 6-3-25 NMSA 1978 for fiscal year 2003.

10 Section 10. GENERAL FUND OPERATING RESERVE--
11 CONTINGENCY.--Two million dollars (\$2,000,000) is appropriated
12 from the general fund operating reserve to the state board of
13 finance emergency fund in fiscal year 2003 for unanticipated
14 emergencies.

15 Section 11. TRANSFER AUTHORITY.--If revenues and
16 transfers to the general fund, excluding transfers to the
17 general fund operating reserve fund, appropriation contingency
18 fund and public school-support reserve fund as of the end of
19 fiscal year 2002 are not sufficient to meet appropriations,
20 the governor, with state board of finance approval, may
21 transfer the amount necessary to meet the year's obligations
22 from the unencumbered balance remaining in the general fund
23 operating reserve fund in a total not to exceed thirty-five
24 million dollars (\$35,000,000).

25 Section 12. SEVERABILITY.--If any part or application of

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1 this act is held invalid, the remainder or its application to
2 other situations or persons shall not be affected.

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