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**HOUSE BILL 16**

**44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SPECIAL SESSION, 1999**

**INTRODUCED BY**

**Earlene Roberts**

**AN ACT**

**MAKING GENERAL APPROPRIATIONS AND AUTHORIZING EXPENDITURES BY  
STATE AGENCIES REQUIRED BY LAW; DECLARING AN EMERGENCY.**

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

**Section 1. Laws 1998, Chapter 116, Section 3 is amended  
to read:**

**"Section 3. GENERAL PROVISIONS. --**

**A. Amounts set out under column headings are  
expressed in thousands of dollars.**

**B. Amounts set out under column headings are  
appropriated from the source indicated by the column heading.**

**All amounts set out under the column heading "Internal Service  
Funds/Interagency Transfers" indicate an intergovernmental  
transfer and do not represent a portion of total state  
government appropriations. All information designated as**

underscored material = new  
~~[bracketed material] = delete~~

underscored material = new  
[bracketed material] = delete

1 "Totals" or "Subtotals" are provided for information and are  
2 not appropriations.

3 C. Amounts set out in Section 4 of the General  
4 Appropriation Act of 1998, or so much as may be necessary, are  
5 appropriated from the indicated source for expenditure in  
6 fiscal year 1999 for the objects expressed.

7 D. Unencumbered balances in agency accounts  
8 remaining at the end of fiscal year 1998 shall revert to the  
9 general fund by October 1, 1998, unless otherwise indicated in  
10 the General Appropriation Act of 1998 or otherwise provided by  
11 law.

12 E. Unencumbered balances in agency accounts  
13 remaining at the end of fiscal year 1999 shall revert to the  
14 general fund by October 1, 1999, unless otherwise indicated in  
15 the General Appropriation Act of 1998 or otherwise provided by  
16 law.

17 F. The state budget division shall monitor revenue  
18 received by agencies from sources other than the general fund  
19 and shall reduce the operating budget of any agency whose  
20 revenue from such sources is not meeting projections. The  
21 state budget division shall notify the legislative finance  
22 committee of any operating budget reduced pursuant to this  
23 subsection.

24 G. Except as otherwise specifically stated in the  
25 General Appropriation Act of 1998, appropriations are made in

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[bracketed material] = delete

1 that act for the expenditures of agencies and for other  
2 purposes as required by existing law for fiscal year 1999. If  
3 any other act of the second session of the forty-third  
4 legislature changes existing law with regard to the name or  
5 responsibilities of an agency or the name or purpose of a fund  
6 or distribution, the appropriation made in the General  
7 Appropriation Act of 1998 shall be transferred from the  
8 agency, fund or distribution to which an appropriation has  
9 been made as required by existing law to the appropriate  
10 agency, fund or distribution provided by the new law.

11 ~~[F.]~~ H. Pursuant to Sections 6-3-23 through 6-3-25  
12 NMSA 1978, agencies whose revenue from unforeseen federal  
13 funds, from state board of finance loans, from revenue  
14 appropriated by other acts of the legislature, or from gifts,  
15 donations, bequests, insurance settlements, refunds, or  
16 payments into revolving funds exceed specifically appropriated  
17 amounts may request budget increases from the state budget  
18 division. If approved by the state budget division, such  
19 money is appropriated. In approving a budget increase from  
20 unforeseen federal funds, the director of the state budget  
21 division shall advise the legislative finance committee as to  
22 the source of the federal funds and the source and amount of  
23 any matching funds required.

24 ~~[E.]~~ I. To prevent unnecessary spending,  
25 expenditures from the General Appropriation Act of 1998 for

. 129471. 1

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1 gasoline for state-owned vehicles at public gasoline service  
2 stations shall be made only for self-service gasoline;  
3 provided that a state agency head may provide exceptions from  
4 the requirement to accommodate disabled persons or for other  
5 reasons the public interest may require.

6 [M-] J. When approving operating budgets based on  
7 appropriations in the General Appropriation Act of 1998, the  
8 state budget division is specifically authorized to approve  
9 only those budgets that are in accordance with generally  
10 accepted accounting principles for the purpose of properly  
11 classifying other financing sources and uses, including  
12 interfund, intrafund and interagency transfers.

13 [N-] K. The same appropriations, with the same  
14 extensions and limitations, provided in Section 4 of the  
15 General Appropriation Act of 1998 shall continue every fiscal  
16 year subsequent to fiscal year 1999 unless otherwise provided  
17 by law. "

18 Section 2. [NEW MATERIAL] FISCAL YEAR 2000 BUDGET  
19 ADJUSTMENTS AUTHORIZED. --

- 20 A. As used in this section:
- 21 (1) "budget category" means an item or an  
22 aggregation of related items that represents the object of an  
23 appropriation. Budget categories include personal services,  
24 employee benefits, travel, maintenance and repairs, supplies  
25 and materials, contractual services, operating costs, other

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[bracketed material] = delete

1 costs, capital outlay, out-of-state travel and other financing  
2 uses;

3 (2) "budget increase" means an approved  
4 increase in expenditures by an agency or division from a  
5 specific source;

6 (3) "category transfer" means an approved  
7 transfer of funds from one budget category to another budget  
8 category, provided that a category transfer does not include a  
9 transfer of funds between divisions;

10 (4) "division" means an organizational unit  
11 within an agency that is the recipient of an appropriation;  
12 and

13 (5) "division transfer" means an approved  
14 transfer of funds from one division of an agency to another  
15 division of that agency, provided that the annual cumulative  
16 effect of division transfers shall not increase or decrease  
17 the appropriation to any division by more than seven and  
18 one-half percent.

19 B. Pursuant to Sections 6-3-23 through 6-3-25 NMSA  
20 1978, an agency receiving an appropriation of other state  
21 funds or internal service funds/interagency transfers for  
22 expenditure in fiscal year 2000 may request budget increases  
23 from the same source.

24 C. Pursuant to Sections 6-3-23 through 6-3-25 NMSA  
25 1978, an agency receiving less than four million dollars

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1 (\$4,000,000) in general fund appropriations for fiscal year  
2 2000 may request category transfers and division transfers.

3 D. Pursuant to Sections 6-3-23 through 6-3-25 NMSA  
4 1978, an agency receiving four million dollars (\$4,000,000) or  
5 more in general fund appropriations for fiscal year 2000 may  
6 request division transfers; provided that the total amount of  
7 division transfers in fiscal year 2000 shall not exceed ten  
8 percent of the agency's total fiscal year 2000 appropriation;  
9 and may request transfers from the travel, maintenance and  
10 repairs, supplies and materials, contractual services,  
11 operating costs, other costs, capital outlay, out-of-state  
12 travel or other financing uses category to any other category.

13 Section 3. EMERGENCY.--It is necessary for the public  
14 peace, health and safety that this act take effect  
15 immediately.