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HOUSE BILL 23

42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996

INTRODUCED BY

MAX COLL

AN ACT

EMPOWERING THE GOVERNOR AND OTHER STATE OFFICIALS TO REDUCE BUDGETS AND TRANSFER BALANCES DURING FISCAL YEAR 1996 UNDER CERTAIN CONDITIONS; IMPOSING GUIDELINES TO BE FOLLOWED IN MAKING ANY REDUCTIONS; DECLARING AN EMERGENCY.

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

Section 1. FINDINGS AND PURPOSE. --

A. The legislature finds that the difference between estimated general fund revenues and the total general fund appropriations for fiscal year 1996 is likely to result in a revenue shortfall in the general fund appropriation account. The legislature also finds that amounts in the general fund operating reserve are low and cannot be relied upon to fully compensate for the anticipated shortfall in the appropriation account and that, therefore, fiscal year 1996 budgets must be

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1 reduced.

2 B. The purpose of this act is to reduce fiscal year
3 1996 budgets by the amounts indicated in Sections 2 through 6 of
4 this act.

5 Section 2. AUTHORITY FOR THE GOVERNOR TO REDUCE EXECUTIVE
6 BRANCH BUDGETS. --If the governor finds that revenues and
7 transfers to the general fund in fiscal year 1996, excluding
8 transfers to the general fund operating reserve, the
9 appropriation contingency fund or the state support reserve
10 fund, are not sufficient to meet fiscal year 1996
11 appropriations, then, pursuant to the guidelines specified in
12 Section 7 of this act, he is authorized to:

13 A. reduce the recurring general fund portion of the
14 budgets of the following agencies by the specified amounts:

15 (1) the taxation and revenue department by one
16 million two hundred twelve thousand seven hundred dollars
17 (\$1,212,700);

18 (2) the state investment council by twenty-two
19 thousand dollars (\$22,000);

20 (3) the department of finance and
21 administration by two hundred eighty-four thousand one hundred
22 dollars (\$284,100);

23 (4) the special appropriation to the department
24 of finance and administration for DWI grants by one hundred
25 forty-eight thousand five hundred dollars (\$148,500);

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1 (5) the special appropriation to the department
2 of finance and administration for the council of governments by
3 eight thousand four hundred dollars (\$8,400);

4 (6) the commission on information and
5 communication management by sixty-eight thousand nine hundred
6 dollars (\$68,900);

7 (7) the general services department by two
8 hundred seventy-one thousand eight hundred dollars (\$271,800);

9 (8) the criminal and juvenile justice
10 coordinating council by seventy thousand dollars (\$70,000);

11 (9) the office of the governor by eighty-five
12 thousand dollars (\$85,000);

13 (10) the office of the lieutenant governor by
14 eleven thousand three hundred dollars (\$11,300);

15 (11) the state commission of public records by
16 forty-two thousand five hundred dollars (\$42,500);

17 (12) the personnel board by one hundred
18 thirteen thousand one hundred dollars (\$113,100);

19 (13) the public employee labor relations board
20 by eight thousand one hundred dollars (\$8,100);

21 (14) the border authority by seven thousand
22 three hundred dollars (\$7,300);

23 (15) the tourism department by one hundred
24 thirty-nine thousand one hundred dollars (\$139,100);

25 (16) the economic development department by

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1 three hundred sixteen thousand six hundred dollars (\$316,600);

2 (17) the regulation and licensing department by
3 two hundred ninety-two thousand two hundred dollars (\$292,200);

4 (18) the New Mexico apple commission by two
5 thousand two hundred dollars (\$2,200);

6 (19) the office of cultural affairs by four
7 hundred ninety-two thousand eight hundred dollars (\$492,800);

8 (20) the New Mexico livestock board by twenty-
9 four thousand seven hundred dollars (\$24,700);

10 (21) the department of game and fish by ten
11 thousand five hundred dollars (\$10,500);

12 (22) the endangered species program by five
13 thousand eight hundred dollars (\$5,800);

14 (23) the energy, minerals and natural resources
15 department by five hundred seventy-two thousand four hundred
16 dollars (\$572,400);

17 (24) the state engineer by three hundred
18 seventeen thousand eight hundred dollars (\$317,800);

19 (25) the New Mexico public utility commission
20 by one hundred nineteen thousand seven hundred dollars
21 (\$119,700);

22 (26) the organic commodity commission by one
23 thousand eight hundred dollars (\$1,800);

24 (27) the commission on the status of women by
25 eleven thousand two hundred dollars (\$11,200);

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1 (28) the commission for deaf and hard-of-
2 hearing persons by ten thousand four hundred dollars (\$10,400);

3 (29) the Martin Luther King, Jr. commission by
4 five thousand seven hundred dollars (\$5,700);

5 (30) the New Mexico office of Indian affairs by
6 thirty-one thousand eight hundred dollars (\$31,800);

7 (31) the labor department by fifty-two thousand
8 three hundred dollars (\$52,300);

9 (32) the governor's committee on concerns of
10 the handicapped by fifteen thousand dollars (\$15,000);

11 (33) the department of environment by three
12 hundred eighty-one thousand one hundred dollars (\$381,100);

13 (34) the office of natural resources trustee by
14 six thousand two hundred dollars (\$6,200);

15 (35) the New Mexico health policy commission by
16 fifty-eight thousand two hundred dollars (\$58,200);

17 (36) the New Mexico veterans' service
18 commission by forty thousand seven hundred dollars (\$40,700);

19 (37) the juvenile parole board by twenty-four
20 thousand one hundred dollars (\$24,100);

21 (38) the crime victims reparation commission by
22 fifty thousand two hundred dollars (\$50,200);

23 (39) the department of public safety by one
24 million three hundred sixty-three thousand nine hundred dollars
25 (\$1,363,900);

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1 (40) the state department of public education
2 by two hundred forty-five thousand four hundred dollars
3 (\$245, 400);

4 (41) the special projects and apprenticeship
5 programs of the state department of public education by one
6 hundred fourteen thousand dollars (\$114, 000);

7 (42) adult basic education by ninety thousand
8 dollars (\$90, 000); and

9 (43) the administration of the commission on
10 higher education by thirty-four thousand six hundred dollars
11 (\$34, 600);

12 B. reduce the budget of public school support by the
13 amount of the fiscal year 1996 appropriation that remains
14 undistributed after the December 1 count is finalized;

15 C. transfer eight hundred thousand dollars
16 (\$800, 000) of the cash balance in the motor pool account of the
17 general services department to the general fund appropriation
18 account;

19 D. reduce the budget of each executive agency by the
20 amount saved by that agency due to rate reductions implemented
21 by the general services department; provided that the total
22 reductions in budgets under this subsection shall equal one
23 million one hundred forty thousand dollars (\$1, 140, 000); and

24 E. transfer one million two hundred fifty-four
25 thousand dollars (\$1, 254, 000) of the excess cash balances in the

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1 account of the department of health to the general fund
2 appropriation account.

3 Section 3. AUTHORITY FOR ELECTED STATE OFFICIALS TO REDUCE
4 BUDGETS. -- Upon notification by the governor that revenues and
5 transfers to the general fund in fiscal year 1996, excluding
6 transfers to the general fund operating reserve, the
7 appropriation contingency fund or the state support reserve
8 fund, are not sufficient to meet fiscal year 1996
9 appropriations, then, pursuant to Section 7 of this act, each of
10 the following elected officials is authorized to reduce budgets
11 for fiscal year 1996 by the indicated amounts:

12 A. the attorney general by two hundred ninety
13 thousand four hundred dollars (\$290,400);

14 B. the state auditor by forty-four thousand three
15 hundred dollars (\$44,300);

16 C. the secretary of state by sixty-one thousand one
17 hundred dollars (\$61,100);

18 D. the state treasurer by seventy-eight thousand one
19 hundred dollars (\$78,100); and

20 E. the commissioner of public lands by two hundred
21 fifty thousand three hundred dollars (\$250,300).

22 Section 4. AUTHORITY TO REDUCE JUDICIAL BRANCH BUDGETS. --
23 Upon notification by the governor that revenues and transfers to
24 the general fund in fiscal year 1996, excluding transfers to the
25 general fund operating reserve, the appropriation contingency

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1 fund or the state support reserve fund, are not sufficient to
2 meet fiscal year 1996 appropriations, then, pursuant to Section
3 7 of this act, the chief justice of the supreme court is
4 authorized to reduce by two million four hundred eighty-three
5 thousand five hundred dollars (\$2,483,500) the judicial branch
6 budgets for fiscal year 1996. For purposes of this section,
7 judicial branch agencies are the supreme court, the
8 administrative office of the courts, the magistrate courts, the
9 court of appeals, the district courts, the Bernalillo county
10 metropolitan court, the supreme court law library, the supreme
11 court building commission, the judicial standards commission,
12 the New Mexico compilation commission, district attorneys and
13 the administrative office of the district attorneys.

14 Section 5. AUTHORITY TO REDUCE LEGISLATIVE BRANCH
15 BUDGETS. ---Upon notification by the governor that revenues and
16 transfers to the general fund in fiscal year 1996, excluding
17 transfers to the general fund operating reserve, the
18 appropriation contingency fund or the state support reserve
19 fund, are not sufficient to meet fiscal year 1996
20 appropriations, then, pursuant to Section 7 of this act, the New
21 Mexico legislative council is authorized to reduce legislative
22 budgets for fiscal year 1996 by two hundred ninety-six thousand
23 dollars (\$296,000).

24 Section 6. AUTHORITY TO REDUCE THE BUDGETS OF POST-
25 SECONDARY EDUCATIONAL INSTITUTIONS. -- Upon notification by the

1 governor that revenues and transfers to the general fund in
2 fiscal year 1996, excluding transfers to the general fund
3 operating reserve, the appropriation contingency fund or the
4 state support reserve fund, are not sufficient to meet fiscal
5 year 1996 appropriations, then, pursuant to Section 7 of this
6 act, the governing board of each of the following institutions
7 is authorized to reduce budgets by the specified amount:

8 A. the university of New Mexico by three million six
9 hundred thirty-three thousand four hundred dollars (\$3,633,400);

10 B. New Mexico state university by two million three
11 hundred seventy-five thousand two hundred dollars (\$2,375,200);

12 C. New Mexico highlands university by three hundred
13 thirty-nine thousand two hundred dollars (\$339,200);

14 D. western New Mexico university by two hundred
15 forty-one thousand five hundred dollars (\$241,500);

16 E. eastern New Mexico university by five hundred
17 fifty-four thousand eight hundred dollars (\$554,800);

18 F. New Mexico institute of mining and technology by
19 four hundred thirty-nine thousand three hundred dollars
20 (\$439,300);

21 G. northern New Mexico state school by one hundred
22 sixteen thousand dollars (\$116,000);

23 H. Santa Fe community college by one hundred ten
24 thousand seven hundred dollars (\$110,700);

25 I. Albuquerque technical-vocational institute by

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1 five hundred thirty-nine thousand three hundred dollars
2 (\$539,300);

3 J. Luna vocational-technical institute by one
4 hundred five thousand nine hundred dollars (\$105,900);

5 K. Mesa technical college by thirty-seven thousand
6 one hundred dollars (\$37,100);

7 L. New Mexico junior college by eighty-six thousand
8 five hundred dollars (\$86,500);

9 M. San Juan college by one hundred eighteen thousand
10 six hundred dollars (\$118,600);

11 N. Clovis community college by one hundred twenty-
12 three thousand eight hundred dollars (\$123,800); and

13 O. New Mexico military institute by twenty-five
14 thousand eight hundred dollars (\$25,800).

15 Section 7. BUDGET REDUCTION GUIDELINES. -- In making a
16 budget reduction authorized by this act, the person making the
17 reduction shall:

18 A. avoid adverse effects upon revenue collection
19 activities;

20 B. identify any potential losses of federal matching
21 funds and avoid identified losses;

22 C. avoid the elimination of filled positions and, to
23 the maximum extent practicable, avoid layoffs, reductions in
24 force, furloughs or terminations of employees; and

25 D. protect the health, safety and welfare of New

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2 Section 8. BUDGET ADJUSTMENTS. --In order to effectuate a
3 budget reduction authorized by this act an agency may request a
4 budget adjustment pursuant to Sections 6-3-23 through 6-3-25
5 NMSA 1978 notwithstanding any limitations in the General
6 Appropriation Act of 1995.

7 Section 9. REPORTS. --By June 30, 1996, each person
8 authorized to reduce budgets under this act shall submit a
9 report to the legislative finance committee showing:

10 A. the amount, by organizational unit and category,
11 of each budget reduction made pursuant to this act; and

12 B. a detailed explanation of how the guidelines in
13 Section 7 of this act were followed.

14 Section 10. EMERGENCY. --It is necessary for the public
15 peace, health and safety that this act take effect immediately.

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