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HOUSE BILL 722

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

INTRODUCED BY

MAX COLL

AN ACT

RELATING TO BUDGETS; SPECIFICALLY AUTHORIZING CERTAIN AGENCIES TO
REQUEST CERTAIN BUDGET ADJUSTMENTS DURING FISCAL YEAR 1997; MAKING
AN APPROPRIATION.

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

Section 1. BUDGET ADJUSTMENT REQUESTS AUTHORIZED.--

A. As used in this section:

(1) "agency" means an office, department, agency, institution, board,
bureau, commission, court, district attorney, council or committee of state government;

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

(3) "budget category" means an item or an aggregation of related
items that represents the object of an appropriation. "Budget category" includes personal
services, employee benefits, travel, maintenance and repairs, supplies and materials, contractual
services, operating costs, other costs, capital outlay, out-of-state travel and other financing
uses;

(4) "category transfer" means an approved transfer of funds from one

1 budget category to another budget category; provided that a category transfer does not include
2 a transfer of funds between divisions;

3 (5) "division" means an organizational unit within an agency that is
4 the recipient of an appropriation;

5 (6) "division transfer" means an approved transfer of funds from one
6 division of an agency to another division of that agency; provided that the annual cumulative
7 effect of division transfers shall not increase or decrease the appropriation to any division by
8 more than seven and one-half percent;

9 (7) "interagency transfer" means revenue transferred from one agency
10 to another through contracts or joint powers agreements;

11 (8) "internal service funds" means:

12 (a) revenue transferred to an agency for the financing of
13 goods or services to another agency on a cost-reimbursement basis; and

14 (b) unencumbered balances in agency internal service fund
15 accounts appropriated by the General Appropriation Act of 1996; and

16 (9) "other state funds" means:

17 (a) unencumbered, nonreverting balances in agency accounts,
18 other than those in internal service funds accounts, appropriated by the General Appropriation
19 Act of 1996;

20 (b) all revenue available to agencies from sources other than
21 the general fund, internal service funds, interagency transfers and federal funds; and

22 (c) all revenue, the use of which is restricted by statute or
23 agreement.

24 B. Pursuant to Sections 6-3-23 through 6-3-25 NMSA 1978, the following
25 agencies or divisions are specifically authorized to request the specified budget adjustments
during fiscal year 1997:

(1) the legislative council service may request category transfers;

- 1 (2) the supreme court law library may request category transfers;
- 2 (3) the New Mexico compilation commission may request budget
- 3 increases from other state funds and from internal service funds/interagency transfers and may
- 4 request category transfers;
- 5 (4) the judicial standards commission may request category transfers;
- 6 (5) the court of appeals may request category transfers;
- 7 (6) the supreme court may request budget increases from other state
- 8 funds and may request category transfers;
- 9 (7) the administrative office of the courts may request category
- 10 transfers;
- 11 (8) the supreme court building commission may request category
- 12 transfers;
- 13 (9) the jury and witness fee fund may request budget increases from
- 14 other state funds and may request category transfers;
- 15 (10) each district court may request budget increases from other state
- 16 funds and from internal service funds/interagency transfers and may request category transfers;
- 17 (11) the Bernalillo county metropolitan court may request budget
- 18 increases from other state funds and may request category transfers;
- 19 (12) each district attorney may request budget increases from other
- 20 state funds and from internal service funds/interagency transfers and may request category
- 21 transfers;
- 22 (13) the administrative office of the district attorneys may request
- 23 budget increases from other state funds and may request category transfers;
- 24 (14) the attorney general may request budget increases from other
- 25 state funds and may request category transfers;
- (15) the state auditor may request budget increases from other state
funds and from internal service funds/interagency transfers and may request category transfers;

1 (16) the taxation and revenue department may request budget
2 increases from other state funds and from internal service funds/interagency transfers and may
3 request category transfers;

4 (17) the state investment council may request budget increases from
5 internal service funds/interagency transfers and may request category transfers;

6 (18) the department of finance and administration may request budget
7 increases from other state funds and from internal service funds/interagency transfers, may
8 request category transfers and may request division transfers;

9 (19) the operations division of the public school insurance authority
10 may request category transfers;

11 (20) the benefits division and the risk division of the public school
12 insurance authority may request budget increases from internal service funds/interagency
13 transfers;

14 (21) the administration component of the retiree health care authority
15 may request category transfers;

16 (22) the benefits division of the retiree health care authority may
17 request budget increases from internal service funds/interagency transfers;

18 (23) the general services department may request category transfers;

19 (24) the general services department may request budget increases
20 from other state funds for the telecommunications access fund;

21 (25) the purchasing division of the general services department may
22 request budget increases from other state funds and from internal service funds/interagency
23 transfers;

24 (26) the educational retirement board may request budget increases
25 from other state funds and may request category transfers;

(27) the public defender department may request budget increases
from other state funds and from internal service funds/interagency transfers and may request

- 1 category transfers;
- 2 (28) the governor may request budget increases from other state funds
3 and from internal service funds/interagency transfers and may request category transfers;
- 4 (29) the criminal and juvenile justice coordinating council may
5 request budget increases from other state funds;
- 6 (30) the lieutenant governor may request category transfers;
- 7 (31) the public employees retirement association may request
8 category transfers and division transfers, except that funds authorized for investment manager
9 fees within the contractual services category of the administrative division shall not be
10 transferred;
- 11 (32) the administrative division of the public employees retirement
12 association may request budget increases from other state funds for investment manager fees in
13 an amount not to exceed the fees specified in investment manager contracts approved by the
14 retirement board of the public employees retirement association and the department of finance
15 and administration;
- 16 (33) the maintenance division of the public employees retirement
17 association may request budget increases from other state funds in an amount not to exceed
18 three hundred thousand dollars (\$300,000) for building maintenance;
- 19 (34) the state commission of public records may request budget
20 increases from internal service funds/interagency transfers and may request category transfers;
- 21 (35) the secretary of state may request category transfers;
- 22 (36) the personnel board may request category transfers;
- 23 (37) the public employee labor relations board may request category
24 transfers;
- 25 (38) the state treasurer may request category transfers;
- (39) the board of examiners for architects may request budget
increases from other state funds and may request category transfers;

- 1 (40) the border authority may request category transfers;
- 2 (41) the tourism department may request budget increases from other
3 state funds, may request category transfers and may request division transfers;
- 4 (42) the economic development department may request budget
5 increases from other state funds and from internal service funds/interagency transfers, may
6 request category transfers and may request division transfers;
- 7 (43) the regulation and licensing department may request category
8 transfers and division transfers;
- 9 (44) the boards and commissions section of the administrative
10 services division of the regulation and licensing department may request budget increases from
11 internal service funds/interagency transfers;
- 12 (45) the regulation and licensing department may request transfers
13 from the twenty-eight boards and commissions under the administration of the department to
14 the administrative services division for the indirect cost allocation of the computer
15 enhancement fund and payroll;
- 16 (46) the twenty-eight boards and commissions under the
17 administration of the regulation and licensing department, the real estate recovery fund and the
18 securities education and training fund may request budget increases from other state funds and
19 may request category transfers;
- 20 (47) the state corporation commission may request category transfers
21 and may request division transfers;
- 22 (48) the department of insurance of the state corporation commission
23 may request budget increases from other state funds;
- 24 (49) the New Mexico board of medical examiners may request budget
25 increases from other state funds and may request category transfers;
- (50) the board of nursing may request budget increases from other
state funds and may request category transfers;

1 (51) the state fair commission may request budget increases from
2 other state funds and may request category transfers;

3 (52) the state board of registration for professional engineers and
4 surveyors may request budget increases from other state funds and may request category
5 transfers;

6 (53) the state racing commission may request category transfers;

7 (54) the New Mexico apple commission may request budget increases
8 from other state funds and may request category transfers;

9 (55) the board of veterinary medicine may request budget increases
10 from other state funds and may request category transfers;

11 (56) the office of cultural affairs may request budget increases from
12 other state funds and from internal service funds/interagency transfers, may request category
13 transfers and may request division transfers;

14 (57) the New Mexico livestock board may request budget increases
15 from other state funds and may request category transfers;

16 (58) the department of game and fish may request budget increases
17 from other state funds and from internal service funds/interagency transfers and may request
18 category transfers;

19 (59) for the share with wildlife program, the department of game and
20 fish may request budget increases from other state funds;

21 (60) for the endangered species program, the department of game and
22 fish may request budget increases from other state funds and may request category transfers;

23 (61) the energy, minerals and natural resources department may
24 request budget increases from other state funds and from internal service funds/interagency
25 transfers;

(62) the administrative services division, the energy conservation and
management division, the forestry division, the state park and recreation division, the mining

1 and minerals division and the oil conservation division of the energy, minerals and natural
2 resources department may request category transfers;

3 (63) the intertribal ceremonial association may request budget
4 increases from other state funds and may request category transfers;

5 (64) the commissioner of public lands may request budget increases
6 from other state funds and may request category transfers;

7 (65) the New Mexico peanut commission may request budget
8 increases from other state funds and may request category transfers;

9 (66) the state engineer may request budget increases from other state
10 funds and may request category transfers;

11 (67) for Ute dam operation, the state engineer may request budget
12 increases from internal service funds/ interagency transfers;

13 (68) the New Mexico public utility commission may request category
14 transfers;

15 (69) the organic commodity commission may request budget
16 increases from other state funds and may request category transfers;

17 (70) the commission on the status of women may request category
18 transfers;

19 (71) the commission for deaf and hard-of- hearing persons may
20 request budget increases from internal service funds/interagency transfers and may request
21 category transfers;

22 (72) the Martin Luther King, Jr. commission may request category
23 transfers;

24 (73) the commission for the blind may request budget increases from
25 other state funds and may request category transfers;

(74) the New Mexico office of Indian affairs may request budget
increases from internal service funds/ interagency transfers and may request category transfers;

1 (75) the state agency on aging may request budget increases from
2 other state funds and from internal service funds/interagency transfers, may request category
3 transfers and may request division transfers;

4 (76) the human services department may request budget increases
5 from other state funds and from internal service funds/interagency transfers, may request
6 category transfers and may request division transfers;

7 (77) the labor department may request category transfers and division
8 transfers;

9 (78) the workers' compensation administration may request budget
10 increases from other state funds, may request category transfers and may request division
11 transfers;

12 (79) the division of vocational rehabilitation of the state department
13 of public education may request budget increases from other state funds and from internal
14 service funds/interagency transfers and may request category transfers;

15 (80) the governor's committee on concerns of the handicapped may
16 request budget increases from internal service funds/interagency transfers and may request
17 category transfers;

18 (81) the developmental disabilities planning council may request
19 budget increases from internal service funds/interagency transfers and may request category
20 transfers;

21 (82) the miners' hospital of New Mexico may request budget
22 increases from other state funds and may request category transfers;

23 (83) the department of health may request budget increases from other
24 state funds and from internal service funds/interagency transfers, may request category
25 transfers and may request division transfers;

(84) the department of environment may request category transfers;

(85) the environmental protection division, field operations division

1 and water and waste management division of the department of environment may request
2 budget increases from other state funds and from internal service funds/interagency transfers;
3 (86) the office of the natural resources trustee may request budget
4 increases from other state funds and from internal service funds/interagency transfers and may
5 request category transfers;
6 (87) the New Mexico health policy commission may request budget
7 increases from other state funds and may request category transfers;
8 (88) the New Mexico veterans' service commission may request
9 category transfers;
10 (89) the children, youth and families department may request budget
11 increases from other state funds and from internal service funds/interagency transfers, may
12 request category transfers and may request division transfers;
13 (90) the department of military affairs may request category transfers;
14 (91) the state armory board may request budget increases from other
15 state funds and from internal service funds/interagency transfers and may request category
16 transfers, except that no transfers shall be made from the maintenance and repairs category;
17 (92) the crime stoppers commission may request budget increases
18 from other state funds and from internal service funds/interagency transfers and may request
19 category transfers;
20 (93) the parole board may request category transfers;
21 (94) the juvenile parole board may request category transfers;
22 (95) the corrections department may request budget increases from
23 other state funds and from internal service funds/interagency transfers, may request category
24 transfers and may request division transfers;
25 (96) the crime victims reparation commission may request budget
increases from other state funds and from internal service funds/interagency transfers and may
request category transfers;

1 (97) the department of public safety may request budget increases
2 from other state funds and from internal service funds/interagency transfers, excluding state
3 forfeitures and forfeiture balances;

4 (98) the department of public safety may request division transfers
5 among the special investigations division, the training and recruiting division, the New Mexico
6 state police division and the technical and emergency support division;

7 (99) the special investigations division, the training and recruiting
8 division, the New Mexico state police division and the technical and emergency support
9 division of the department of public safety may request category transfers;

10 (100) the state highway and transportation department may request
11 budget increases from other state funds other than the state road fund for the office of the
12 secretary, the administrative division, the engineering design division, the field operations
13 division, the aviation division, the transportation programs division and the transportation
14 planning division;

15 (101) for the purpose of matching federal funds, the state highway and
16 transportation department may request budget increases from the state road fund for the office
17 of the secretary, the administrative division, the engineering design division, the field
18 operations division, the aviation division, the transportation programs division and the
19 transportation planning division;

20 (102) the state highway and transportation department may request
21 division transfers among the office of the secretary, the administrative division, the engineering
22 design division, the field operations division, the aviation division, the transportation programs
23 division and the transportation planning division;

24 (103) the state highway and transportation department may request
25 category transfers;

(104) the road betterment division of the state highway and
transportation department may request budget increases from other state funds, including the

1 state road fund;
2 (105) the state transportation authority may request category transfers;
3 (106) the state department of public education may request budget
4 increases from internal service funds/ interagency transfers and may request category transfers;
5 and
6 (107) the commission on higher education may request category
7 transfers.

8 Section 2. EMERGENCY BUDGET INCREASES--MAKING AN
9 APPROPRIATION.--

10 A. Upon a showing by an agency that a critical need exists for authorization
11 for additional expenditures during fiscal year 1997 and that the critical need cannot be met
12 because the agency does not have the authority under Section 1 of this act to request the
13 necessary budget increase, category transfer or division transfer, then the board of finance may
14 transfer the amount needed to the agency. Notwithstanding the provisions of Sections 6-3-23
15 through 6-3-25 NMSA 1978, the agency's budget shall be increased by the amount of the
16 transfer.

17 B. Before a transfer is made pursuant to Subsection A of this section, the
18 board of finance shall notify the legislative finance committee of the critical need and the
19 reason that the need cannot be met with the agency's existing budget adjustment authority.

20 C. One hundred thousand dollars (\$100,000) is appropriated from the general
21 fund to the board of finance emergency fund for expenditure during fiscal year 1997 for the
22 purpose of making transfers pursuant to Subsection A of this section. Any unexpended or
23 unencumbered balance remaining at the end of fiscal year 1997 shall revert to the general fund.

24 D. Any transfer authorized by the provisions of this section is additional to
25 any loan or grant of emergency funds by the state board of finance pursuant to Section 6-1-2
NMSA 1978.

State of New Mexico
House of Representatives

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FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996

February 3, 1996

Mr. Speaker:

Your **APPROPRIATIONS AND FINANCE COMMITTEE**, to
whom has been referred

HOUSE BILL 722

has had it under consideration and reports same with recommendation that it **DO**
PASS.

Respectfully submitted,

Max Coll, Chairman

Underscored material = new
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FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 11 For 4 Against

Yes: 11

No: Bird, Buffett, Knowels, Reyes

Excused: Abeyta, Gentry, Salazar

Absent: None

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FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996

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**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

February 11, 1996

Mr. President:

Your **FINANCE COMMITTEE**, to whom has been referred

HOUSE BILL 722

has had it under consideration and reports same with recommendation that it **DO PASS**.

Respectfully submitted,

Ben D. Altamirano, Chairman

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Underscored material = new
[bracketed material] = delete

FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996

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Date _____

The roll call vote was 8 For 0 Against

Yes: 8

No: 0

Excused: Donisthorpe, Duran, Ingle, Kidd, Kysar

Absent: None

H0722FC1

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