



State of New Mexico

Office of the Governor

Bill Richardson
Governor

CERTIFICATION

I, Bill Richardson, Governor of the State of New Mexico certify, that

1. The state's proposed uses of the funds to be provided under any federal payment made under section 401(b) of the Jobs and Growth Tax Relief Reconciliation Act of 2003 for the fiscal years designated below are to:
 - (a) provide essential government services, or
 - (b) cover the costs to the state of complying with any federal intergovernmental mandate (as defined in section 421(5) of the Congressional Budget Act of 1974) to the extent that the mandate applies to the state, and the federal government has not provided funds to cover the costs.
2. The state will only use funds provided under any federal payment made under section 401(b) of the Jobs and Growth Tax Relief Reconciliation Act of 2003 for types of expenditures permitted under the most recently approved budget for the state.
3. This certification covers the federal payment for federal fiscal years 2003 and 2004.
4. The following is the correct information respecting the account of the state to which the Department of the Treasury may, under the laws of the state, make the FedWire payment to the state provided under section 401(b) of the Jobs and Growth Tax Relief Reconciliation Act of 2003:

Name of financial institution:
 Address of financial institution:
 ABA number of financial institution:
 Account no.:
 Account name:

Wells Fargo Bank
 200 Lomas Blvd, NW, Albuquerque, NM 87102
 107002192
 6015323139
 State of New Mexico Operating Account

STATE OF NEW MEXICO

By: Bill Richardson
Governor

Date: 6/27/03

Attest: Rebecca Vigil-Girin
Secretary of State

Date: 6/30/03





DEPARTMENT OF THE TREASURY
WASHINGTON, D.C.

SECRETARY OF THE TREASURY

June 4, 2003

The Honorable Bill Richardson
Governor of New Mexico
State Capitol Building
Suite 400
Santa Fe, NM 87501

Dear Governor Richardson:

On May 28, 2003, President Bush signed into law the Jobs and Growth Tax Relief Reconciliation Act of 2003 (Act). Section 401(b) of this Act provides \$10 billion in payments to states, of which \$5 billion is to be paid in each of Federal fiscal years 2003 and 2004 to provide temporary state fiscal relief. The Treasury Department is the agency responsible for making these payments.

The Treasury Department will ensure that the payments are made available as quickly as possible. Under the formula in the Act, each state has available its proportionate share of the \$5 billion appropriated by Congress for each of FY 2003 and FY 2004 based on the relative population of each state using the 2000 census data, adjusted to provide minimum payment amounts to smaller population jurisdictions. I have enclosed a document showing the amount each state is eligible to receive and this same information is also posted at www.treasury.gov.

To receive the fiscal relief funds available for your state, you must sign and deliver to the Treasury Department a statement certifying that your state's proposed uses of the funds are consistent with the provisions of the Act. Enclosed is a certification form that we ask you to use for this purpose. As indicated on the form, the Secretary of State or other authorized official must attest its authenticity in accordance with state law. Your state may use a single certification for both FY 2003 and FY 2004 funds, or it may provide separate certifications. Once the Treasury Department receives a properly executed state certification for FY 2003 (whether separately or together with its FY 2004 certification), within two business days the state's designated account will be credited for the FY 2003 payment.

If your state sends the Treasury Department a single certification for both FY 2003 and 2004, we will make the FY 2004 payment on October 1, 2003. If your state chooses to send a separate certification for FY 2004, payment will be processed when the certification is received or October 1, 2003, whichever is later.

If you have any question regarding these payments, please contact Ken Carfine, Deputy Assistant Secretary, Fiscal Operations and Policy, at ken.carfine@do.treas.gov or on 202-622-0570.

Sincerely,

John W. Snow

Enclosures

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AN ACT

MAKING GENERAL APPROPRIATIONS AND AUTHORIZING EXPENDITURES BY STATE AGENCIES 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 2003".

Section 2. DEFINITIONS.--As used in the General Appropriation Act of 2003:

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

B. "efficiency" means the measure of the degree to which services are efficient and productive and is often expressed in terms of dollars or time per unit of output;

C. "expenditures" means costs, expenses, encumbrances and other financing uses, other than refunds authorized by law, recognized in accordance with generally accepted accounting principles for the legally authorized budget amounts and budget period;

D. "explanatory" means information that can help users to understand reported performance measures and to evaluate the significance of underlying factors that may have affected the reported information;

E. "federal funds" means any payments by the United States government to state government or agencies except those payments made in accordance with the federal Mineral Lands Leasing Act;

F. "full-time equivalent" or "FTE" means one or more authorized positions that alone or together receives or receive compensation for not more than two thousand ninety-six hours worked in fiscal year 2004. The calculation of hours worked includes compensated absences but does not include overtime, compensatory time or sick leave paid pursuant to Section 10-7-10 NMSA 1978;

G. "general fund" means that fund created by Section 6-4-2 NMSA 1978 and includes federal Mineral Lands Leasing Act receipts and those payments made in accordance with the federal block grant and the federal Workforce Investment Act, but excludes the general fund operating reserve and the appropriation contingency fund;

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1 Q. "target" means the expected level of performance of a program's performance measures;
2 and

3 R. "unforeseen federal funds" means a source of federal funds or an increased amount of
4 federal funds that could not have been reasonably anticipated or known during the first session of the
5 forty-sixth legislature and, therefore, could not have been requested by an agency or appropriated by
6 the legislature.

7 Section 3. GENERAL PROVISIONS.--

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

9 B. Amounts set out under column headings are appropriated from the source indicated by the
10 column heading. All amounts set out under the column heading "Internal Service Funds/Interagency
11 Transfers" are intergovernmental transfers and do not represent a portion of total state government
12 appropriations. All information designated as "Total" or "Subtotal" is provided for information and
13 amounts are not appropriations.

14 C. Amounts set out in Section 4 of the General Appropriation Act of 2003, or so much as may
15 be necessary, are appropriated from the indicated source for expenditure in fiscal year 2004 for the
16 objects expressed.

17 D. Unencumbered balances in agency accounts remaining at the end of fiscal year 2003 shall
18 revert to the general fund by October 1, 2003, unless otherwise indicated in the General Appropriation
19 Act of 2003 or otherwise provided by law.

20 E. Unencumbered balances in agency accounts remaining at the end of fiscal year 2004 shall
21 revert to the general fund by October 1, 2004, unless otherwise indicated in the General Appropriation
22 Act of 2003 or otherwise provided by law.

23 F. The state budget division shall monitor revenue received by agencies from sources other
24 than the general fund and shall reduce the operating budget of any agency whose revenue from such
25 sources is not meeting projections. The state budget division shall notify the legislative finance

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1 committee of any operating budget reduced pursuant to this subsection.

2 G. Except as otherwise specifically stated in the General Appropriation Act of 2003,
3 appropriations are made in that act for the expenditures of agencies and for other purposes as required
4 by existing law for fiscal year 2004. If any other act of the first session of the forty-sixth
5 legislature changes existing law with regard to the name or responsibilities of an agency or the name or
6 purpose of a fund or distribution, the appropriation made in the General Appropriation Act of 2003 shall
7 be transferred from the agency, fund or distribution to which an appropriation has been made as required
8 by existing law to the appropriate agency, fund or distribution provided by the new law.

9 H. In August, October, December and May of fiscal year 2004, the department of finance and
10 administration, in consultation with the staff of the legislative finance committee and other agencies,
11 shall prepare and present revenue estimates to the legislative finance committee. If these revenue
12 estimates indicate that revenues and transfers to the general fund excluding transfers to the general
13 fund operating reserve, the appropriation contingency fund or the state-support reserve fund, as of the
14 end of fiscal year 2004, are not expected to meet appropriations from the general fund, then the
15 department shall present a plan to the legislative finance committee that outlines the methods by which
16 the administration proposes to address the deficit.

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

25 J. For fiscal year 2004, the number of permanent and term full-time-equivalent positions