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HOUSE BILL 2

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

Patricia A. Lundstrom

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 2017".

SECTION 2. DEFINITIONS.--As used in the General
Appropriation Act of 2017:

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. "explanatory" means information that can help

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1 users to understand reported performance measures and to
2 evaluate the significance of underlying factors that may have
3 affected the reported information;

4 D. "federal funds" means any payments by the United
5 States government to state government or agencies except those
6 payments made in accordance with the federal Mineral Leasing
7 Act;

8 E. "general fund" means that fund created by
9 Section 6-4-2 NMSA 1978 and includes federal Mineral Leasing
10 Act receipts and those payments made in accordance with the
11 federal block grant and the federal Workforce Investment Act of
12 1998 but excludes the general fund operating reserve, the
13 appropriation contingency fund, the tax stabilization reserve
14 and any other fund, reserve or account from which general
15 appropriations are restricted by law;

16 F. "interagency transfers" means revenue, other
17 than internal service funds, legally transferred from one
18 agency to another;

19 G. "internal service funds" means:

20 (1) revenue transferred to an agency for the
21 financing of goods or services to another agency on a cost-
22 reimbursement basis; and

23 (2) balances in agency internal service fund
24 accounts appropriated by the General Appropriation Act of 2017;

25 H. "other state funds" means:

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1 (1) nonreverting balances in agency accounts,
2 other than in internal service funds accounts, appropriated by
3 the General Appropriation Act of 2017;

4 (2) all revenue available to agencies from
5 sources other than the general fund, internal service funds,
6 interagency transfers and federal funds; and

7 (3) all revenue, the use of which is
8 restricted by statute or agreement;

9 I. "outcome" means the measure of the actual impact
10 or public benefit of a program;

11 J. "output" means the measure of the volume of work
12 completed or the level of actual services or products delivered
13 by a program;

14 K. "performance measure" means a quantitative or
15 qualitative indicator used to assess a program;

16 L. "quality" means the measure of the quality of a
17 good or service produced and is often an indicator of the
18 timeliness, reliability or safety of services or products
19 produced by a program;

20 M. "revenue" means all money received by an agency
21 from sources external to that agency, net of refunds and other
22 correcting transactions, other than from issue of debt,
23 liquidation of investments or as agent or trustee for other
24 governmental entities or private persons; and

25 N. "target" means the expected level of performance

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1 of a program's performance measures.

2 SECTION 3. GENERAL PROVISIONS.--

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

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

13 C. Amounts set out in Section 4 of the General
14 Appropriation Act of 2017, or so much as may be necessary, are
15 appropriated from the indicated source for expenditure in
16 fiscal year 2018 for the objects expressed.

17 D. Unexpended balances in agency accounts remaining
18 at the end of fiscal year 2017 shall revert to the general fund
19 by October 1, 2017 unless otherwise indicated in the General
20 Appropriation Act of 2017 or otherwise provided by law.

21 E. Unexpended balances in agency accounts remaining
22 at the end of fiscal year 2018 shall revert to the general fund
23 by October 1, 2018 unless otherwise indicated in the General
24 Appropriation Act of 2017 or otherwise provided by law.

25 F. The state budget division of the department of

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1 finance and administration shall monitor revenue received by
2 agencies from sources other than the general fund and shall
3 reduce the operating budget of any agency whose revenue from
4 such sources is not meeting projections. The state budget
5 division shall notify the legislative finance committee of any
6 operating budget reduced pursuant to this subsection.

7 G. Except as otherwise specifically stated in the
8 General Appropriation Act of 2017, appropriations are made in
9 that act for the expenditures of agencies and for other
10 purposes as required by existing law for fiscal year 2018. If
11 any other act of the first session of the fifty-third
12 legislature changes existing law with regard to the name or
13 responsibilities of an agency or the name or purpose of a fund
14 or distribution, the appropriation made in the General
15 Appropriation Act of 2017 shall be transferred from the agency,
16 fund or distribution to which an appropriation had been made as
17 required by existing law to the appropriate agency, fund or
18 distribution provided by the new law.

19 H. Pursuant to Sections 6-3-23 through 6-3-25 NMSA
20 1978, agencies whose revenue from state board of finance loans,
21 from revenue appropriated by other acts of the legislature,
22 from any Native American tribe, pueblo or political subdivision
23 pursuant to a contract, memorandum of understanding, or joint
24 powers agreement, or from gifts, grants, donations, bequests,
25 insurance settlements, refunds or payments into revolving funds

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1 exceeds specifically appropriated amounts may request budget
2 increases from the state budget division. If approved by the
3 state budget division, such money is appropriated.

4 I. Except for gasoline credit cards used solely for
5 operation of official vehicles, telephone credit cards used
6 solely for official business and procurement cards used as
7 authorized by Section 6-5-9.1 NMSA 1978, none of the
8 appropriations contained in the General Appropriation Act of
9 2017 may be expended for payment of agency-issued credit card
10 invoices.

11 J. For the purpose of administering the General
12 Appropriation Act of 2017, the state of New Mexico shall follow
13 the modified accrual basis of accounting for governmental funds
14 in accordance with the manual of model accounting practices
15 issued by the department of finance and administration.

16 SECTION 4. FISCAL YEAR 2018 APPROPRIATIONS.--

17 A. LEGISLATIVE.--Eighteen million one hundred
18 thirty-six thousand three hundred dollars (\$18,136,300) is
19 appropriated from the general fund to the legislative council
20 service for allocation to legislative agencies in fiscal year
21 2018.

22 B. JUDICIAL.--Two hundred sixty-seven million four
23 hundred ninety-eight thousand five hundred dollars
24 (\$267,498,500) from the general fund, twenty-one million five
25 hundred fourteen thousand seven hundred dollars (\$21,514,700)

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1 from other state funds, eleven million one hundred ninety-one
2 thousand two hundred dollars (\$11,191,200) from internal
3 service funds/interagency transfers and two million two hundred
4 forty-three thousand nine hundred dollars (\$2,243,900) from
5 federal funds is appropriated to the administrative office of
6 the courts for allocation to judicial agencies in fiscal year
7 2018.

8 C. GENERAL CONTROL.--One hundred nineteen million
9 nine hundred twenty-six thousand eight hundred dollars
10 (\$119,926,800) from the general fund, one billion four hundred
11 fifty-five million two hundred forty-nine thousand four hundred
12 dollars (\$1,455,249,400) from other state funds, seventy-two
13 million thirty-three thousand four hundred dollars
14 (\$72,033,400) from internal service funds/interagency transfers
15 and fifteen million six hundred sixty-nine thousand seven
16 hundred dollars (\$15,669,700) from federal funds is
17 appropriated to the department of finance and administration
18 for allocation to general control agencies in fiscal year 2018.

19 D. COMMERCE AND INDUSTRY.--Forty-eight million two
20 hundred nine thousand one hundred dollars (\$48,209,100) from
21 the general fund, sixty million six hundred ninety-four
22 thousand seven hundred dollars (\$60,694,700) from other state
23 funds, twenty-three million one hundred eighteen thousand three
24 hundred dollars (\$23,118,300) from internal service
25 funds/interagency transfers and one million seven hundred

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1 ninety-three thousand seven hundred dollars (\$1,793,700) from
2 federal funds is appropriated to the department of finance and
3 administration for allocation to commerce and industry agencies
4 in fiscal year 2018.

5 E. AGRICULTURE, ENERGY AND NATURAL RESOURCES.--

6 Sixty-two million seven hundred twenty-two thousand dollars
7 (\$62,722,000) from the general fund, eighty-seven million one
8 hundred sixty-six thousand three hundred dollars (\$87,166,300)
9 from other state funds, twenty-one million four hundred
10 twenty-three thousand seven hundred dollars (\$21,423,700) from
11 internal service funds/interagency transfers and forty million
12 six hundred ninety-five thousand dollars (\$40,695,000) from
13 federal funds is appropriated to the department of finance and
14 administration for allocation to agriculture, energy and
15 natural resources agencies in fiscal year 2018.

16 F. HEALTH, HOSPITALS AND HUMAN SERVICES.--

17 One billion six hundred seventy-eight million eight hundred six
18 thousand five hundred dollars (\$1,678,806,500) from the general
19 fund, two hundred ninety million eight hundred twenty-four
20 thousand dollars (\$290,824,000) from other state funds, three
21 hundred fifty-one million seven hundred twenty-four thousand
22 four hundred dollars (\$351,724,400) from internal service
23 funds/interagency transfers and six billion one hundred
24 seventy-three million eight hundred eighty-three thousand one
25 hundred dollars (\$6,173,883,100) from federal funds is

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1 appropriated to the department of finance and administration
2 for allocation to health, hospitals and human services agencies
3 in fiscal year 2018.

4 G. PUBLIC SAFETY.--Four hundred twenty-nine million
5 six hundred forty-five thousand eight hundred dollars
6 (\$429,645,800) from the general fund, thirty-eight million one
7 hundred nine thousand seven hundred dollars (\$38,109,700) from
8 other state funds, six million six hundred ninety thousand nine
9 hundred dollars (\$6,690,900) from internal service
10 funds/interagency transfers and fifty-nine million seven
11 hundred four thousand six hundred dollars (\$59,704,600) from
12 federal funds is appropriated to the department of finance and
13 administration for allocation to public safety agencies in
14 fiscal year 2018.

15 H. TRANSPORTATION.--Four hundred fifty-seven
16 million five hundred fifty-two thousand dollars (\$457,552,000)
17 from other state funds, one million four hundred seventy-one
18 thousand dollars (\$1,471,000) from internal service
19 funds/interagency transfers and four hundred one million four
20 hundred fifty-one thousand eight hundred dollars (\$401,451,800)
21 from federal funds is appropriated to the department of finance
22 and administration for allocation to transportation agencies in
23 fiscal year 2018.

24 I. OTHER EDUCATION.--One hundred seven million six
25 hundred ninety-seven thousand dollars (\$107,697,000) from the

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1 general fund, twelve million four hundred twenty-seven thousand
2 one hundred dollars (\$12,427,100) from other state funds, three
3 million five hundred thirty-six thousand dollars (\$3,536,000)
4 from internal service funds/interagency transfers and twenty-
5 eight million seventy-five thousand one hundred dollars
6 (\$28,075,100) from federal funds is appropriated to the
7 department of finance and administration for allocation to
8 other education agencies in fiscal year 2018.

9 J. HIGHER EDUCATION.--Seven hundred seventy-nine
10 million two hundred ninety-four thousand eight hundred dollars
11 (\$779,294,800) from the general fund, eighteen million nine
12 hundred seven thousand five hundred dollars (\$18,907,500) from
13 other state funds, forty-four million two hundred thirty-five
14 thousand seven hundred dollars (\$44,235,700) from internal
15 service funds/interagency transfers and nine million five
16 hundred twenty-seven thousand five hundred dollars (\$9,527,500)
17 from federal funds is appropriated to the higher education
18 department for expenditure or allocation to higher education
19 agencies in fiscal year 2018.

20 K. PUBLIC SCHOOL SUPPORT.--Two billion five hundred
21 seventy-nine million two hundred thirty-two thousand five
22 hundred dollars (\$2,579,232,500) from the general fund, five
23 million dollars (\$5,000,000) from internal service
24 funds/interagency transfers and four hundred fourteen million
25 two hundred two thousand three hundred dollars (\$414,202,300)

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1 from federal funds is appropriated to the public education
2 department for expenditure or allocation to public school
3 districts in fiscal year 2018.

4 SECTION 5. FUND TRANSFERS.--Notwithstanding the
5 provisions of Sections 6-4-9 and 6-4-11 NMSA 1978 or other
6 substantive law, the department of finance and administration
7 shall transfer an amount from the tobacco settlement permanent
8 fund to the tobacco settlement program fund equal to the
9 difference between appropriations in Section 4 of the General
10 Appropriation Act of 2017 made from the tobacco settlement
11 program fund and the amount transferred to the tobacco
12 settlement program fund pursuant to Subsection B of Section
13 6-4-9 NMSA 1978 in fiscal year 2018 to fully fund
14 appropriations made from the tobacco settlement program fund
15 contained in Section 4 of the General Appropriation Act of
16 2017.

17 SECTION 6. SEVERABILITY.--If any part or application of
18 this act is held invalid, the remainder or its application to
19 other situations or persons shall not be affected.