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HOUSE BILL 2

54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020

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 2020".

SECTION 2. DEFINITIONS.--As used in the General
Appropriation Act of 2020:

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 2020;

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 2020;

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 2020, or so much as may be necessary, are
15 appropriated from the indicated source for expenditure in
16 fiscal year 2021 for the objects expressed.

17 D. Unexpended balances in agency accounts remaining
18 at the end of fiscal year 2020 shall revert to the general fund
19 by October 1, 2020 unless otherwise indicated in the General
20 Appropriation Act of 2020 or otherwise provided by law.

21 E. Unexpended balances in agency accounts remaining
22 at the end of fiscal year 2021 shall revert to the general fund
23 by October 1, 2021 unless otherwise indicated in the General
24 Appropriation Act of 2020 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 2020, 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 2021. If
11 any other act of the second session of the fifty-fourth
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 2020 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 of the department of
3 finance and administration. If approved by the state budget
4 division, such money is appropriated.

5 I. Except for gasoline credit cards used solely for
6 operation of official vehicles, telephone credit cards used
7 solely for official business and procurement cards used as
8 authorized by Section 6-5-9.1 NMSA 1978, none of the
9 appropriations contained in the General Appropriation Act of
10 2020 may be expended for payment of agency-issued credit card
11 invoices.

12 J. For the purpose of administering the General
13 Appropriation Act of 2020, the state shall follow the modified
14 accrual basis of accounting for governmental funds in
15 accordance with the manual of model accounting practices issued
16 by the department of finance and administration.

17 SECTION 4. FISCAL YEAR 2021 APPROPRIATIONS.--

18 A. LEGISLATIVE.--Twenty-one million nine hundred
19 seventy thousand two hundred dollars (\$21,970,200) is
20 appropriated from the general fund to the legislative council
21 service for allocation to legislative agencies in fiscal year
22 2021.

23 B. JUDICIAL.--Three hundred thirty-five million six
24 hundred eighty thousand eight hundred dollars (\$335,680,800)
25 from the general fund, twenty-two million five hundred

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1 forty-three thousand nine hundred dollars (\$22,543,900) from
2 other state funds, twelve million three hundred fifty-four
3 thousand seven hundred dollars (\$12,354,700) from internal
4 service funds/interagency transfers and six million two hundred
5 forty-eight thousand dollars (\$6,248,000) from federal funds is
6 appropriated to the administrative office of the courts for
7 allocation to judicial agencies in fiscal year 2021.

8 C. GENERAL CONTROL.--One hundred sixty million four
9 hundred twenty-three thousand five hundred dollars
10 (\$160,423,500) from the general fund, one billion five hundred
11 seventeen million eight hundred ninety-nine thousand one
12 hundred dollars (\$1,517,899,100) from other state funds, one
13 hundred thirteen million eight hundred forty-six thousand six
14 hundred dollars (\$113,846,600) from internal service
15 funds/interagency transfers and fifteen million five hundred
16 twenty-five thousand six hundred dollars (\$15,525,600) from
17 federal funds is appropriated to the department of finance and
18 administration for allocation to general control agencies in
19 fiscal year 2021.

20 D. COMMERCE AND INDUSTRY.--Seventy-eight million
21 nine hundred thousand three hundred dollars (\$78,900,300) from
22 the general fund, eighty-five million six hundred thirty-three
23 thousand five hundred dollars (\$85,633,500) from other state
24 funds, ninety-six million eight hundred twenty-three thousand
25 six hundred dollars (\$96,823,600) from internal service

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1 funds/interagency transfers and eight hundred ten thousand
2 dollars (\$810,000) from federal funds is appropriated to the
3 department of finance and administration for allocation
4 to commerce and industry agencies in fiscal year 2021.

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

6 Eighty-four million seven hundred sixty-six thousand nine
7 hundred dollars (\$84,766,900) from the general fund, ninety-two
8 million four hundred fifty thousand two hundred dollars
9 (\$92,450,200) from other state funds, seventeen million one
10 hundred sixty-one thousand four hundred dollars (\$17,161,400)
11 from internal service funds/interagency transfers and forty
12 million five hundred thirty-six thousand nine hundred dollars
13 (\$40,536,900) from federal funds is appropriated to the
14 department of finance and administration for allocation to
15 agriculture, energy and natural resources agencies in fiscal
16 year 2021.

17 F. HEALTH, HOSPITALS AND HUMAN SERVICES.--Two

18 billion one hundred nineteen million nine hundred two thousand
19 two hundred dollars (\$2,119,902,200) from the general fund,
20 three hundred five million five hundred seventy-eight thousand
21 eight hundred dollars (\$305,578,800) from other state funds,
22 four hundred twenty-four million two hundred sixty-six thousand
23 three hundred dollars (\$424,266,300) from internal service
24 funds/interagency transfers and six billion six hundred sixty
25 million four hundred twenty-six thousand two hundred dollars

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1 (\$6,660,426,200) from federal funds is appropriated to the
2 department of finance and administration for allocation to
3 health, hospitals and human services agencies in fiscal year
4 2021.

5 G. PUBLIC SAFETY.--Four hundred ninety-five million
6 nine hundred ninety-one thousand seven hundred dollars
7 (\$495,991,700) from the general fund, twenty-six million seven
8 hundred fifty-three thousand two hundred dollars (\$26,753,200)
9 from other state funds, twenty-four million three hundred four
10 thousand eight hundred dollars (\$24,304,800) from internal
11 service funds/interagency transfers and seventy-six million one
12 hundred seventy-three thousand five hundred dollars
13 (\$76,173,500) from federal funds is appropriated to the
14 department of finance and administration for allocation to
15 public safety agencies in fiscal year 2021.

16 H. TRANSPORTATION.--Five hundred forty-nine million
17 six hundred thirty-seven thousand eight hundred dollars
18 (\$549,637,800) from other state funds, six million three
19 hundred seventy-one thousand nine hundred dollars (\$6,371,900)
20 from internal service funds/interagency transfers and four
21 hundred four million one hundred thirty-seven thousand five
22 hundred dollars (\$404,137,500) from federal funds is
23 appropriated to the department of finance and administration
24 for allocation to transportation agencies in fiscal year 2021.

25 I. OTHER EDUCATION.--Sixty-seven million three

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1 hundred thirty-seven thousand eight hundred dollars
2 (\$67,337,800) from the general fund, twenty-six million eight
3 hundred eight thousand four hundred dollars (\$26,808,400) from
4 other state funds, forty-five thousand dollars (\$45,000) from
5 internal service funds/interagency transfers and thirty million
6 seventeen thousand two hundred dollars (\$30,017,200) from
7 federal funds is appropriated to the department of finance and
8 administration for allocation to other education agencies in
9 fiscal year 2021.

10 J. HIGHER EDUCATION.--Nine hundred thirteen million
11 six hundred twenty-three thousand six hundred dollars
12 (\$913,623,600) from the general fund, six hundred sixty-four
13 thousand seven hundred dollars (\$664,700) from other state
14 funds, fifty-one million five hundred sixty-five thousand seven
15 hundred dollars (\$51,565,700) from internal service
16 funds/interagency transfers and four million nine hundred
17 thirty-nine thousand three hundred dollars (\$4,939,300) from
18 federal funds is appropriated to the higher education
19 department for expenditure for allocation to higher education
20 agencies in fiscal year 2021.

21 K. PUBLIC SCHOOL SUPPORT.--Three billion three
22 hundred forty-six million six hundred fourteen thousand four
23 hundred dollars (\$3,346,614,400) from the general fund, twenty-
24 five million dollars (\$25,000,000) from other state funds and
25 four hundred eighty-six million three hundred thousand dollars

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1 (\$486,300,000) from federal funds is appropriated to the public
2 education department for expenditure or allocation to public
3 school districts in fiscal year 2021.

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 2020 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 2021 to fully fund
14 appropriations made from the tobacco settlement program fund
15 contained in Section 4 of the General Appropriation Act of
16 2020.

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.