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HOUSE BILL 2

**52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016**

INTRODUCED BY

Larry A. Larrañaga

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 2016".

SECTION 2. DEFINITIONS.--As used in the General  
Appropriation Act of 2016:

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  
22 cost-reimbursement basis; and

23 (2) balances in agency internal service fund  
24 accounts appropriated by the General Appropriation Act of 2016;

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 2016;

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 2016, or so much as may be necessary, are  
15 appropriated from the indicated source for expenditure in  
16 fiscal year 2017 for the objects expressed.

17 D. Unexpended balances in agency accounts remaining  
18 at the end of fiscal year 2016 shall revert to the general fund  
19 by October 1, 2016 unless otherwise indicated in the General  
20 Appropriation Act of 2016 or otherwise provided by law.

21 E. Unexpended balances in agency accounts remaining  
22 at the end of fiscal year 2017 shall revert to the general fund  
23 by October 1, 2017 unless otherwise indicated in the General  
24 Appropriation Act of 2016 or otherwise provided by law.

25 F. The state budget division shall monitor revenue

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

7 G. Except as otherwise specifically stated in the  
8 General Appropriation Act of 2016, 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 2017. If  
11 any other act of the second session of the fifty-second  
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 2016 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 2016 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 2016, the state shall follow the modified  
13 accrual basis of accounting for governmental funds in  
14 accordance with the manual of model accounting practices issued  
15 by the department of finance and administration.

16 SECTION 4. FISCAL YEAR 2017 APPROPRIATIONS.--

17 A. LEGISLATIVE.--Nineteen million eight hundred  
18 fifty-nine thousand dollars (\$19,859,000) is appropriated from  
19 the general fund to the legislative council service for  
20 allocation to legislative agencies in fiscal year 2017.

21 B. JUDICIAL.--Two hundred seventy-six million  
22 fifty-three thousand three hundred dollars (\$276,053,300) from  
23 the general fund, twenty-one million seven hundred twenty-six  
24 thousand two hundred dollars (\$21,726,200) from other state  
25 funds, eleven million eight thousand dollars (\$11,008,000) from

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1 internal service funds/interagency transfers and two million  
2 five hundred thirty-six thousand seven hundred dollars  
3 (\$2,536,700) from federal funds is appropriated to the  
4 administrative office of the courts for allocation to judicial  
5 agencies in fiscal year 2017.

6 C. GENERAL CONTROL.--One hundred thirty-eight  
7 million three hundred forty-two thousand eight hundred dollars  
8 (\$138,342,800) from the general fund, one billion five hundred  
9 million fifty-three thousand two hundred dollars  
10 (\$1,500,053,200) from other state funds, seventy-nine million  
11 eight hundred thirty-nine thousand six hundred dollars  
12 (\$79,839,600) from internal service funds/interagency transfers  
13 and fourteen million two hundred fifteen thousand one hundred  
14 dollars (\$14,215,100) from federal funds is appropriated to the  
15 department of finance and administration for allocation to  
16 general control agencies in fiscal year 2017.

17 D. COMMERCE AND INDUSTRY.--Fifty-six million five  
18 hundred twelve thousand four hundred dollars (\$56,512,400) from  
19 the general fund, seventy million five hundred thirty-seven  
20 thousand nine hundred dollars (\$70,537,900) from other state  
21 funds, twenty million six hundred seventy-one thousand five  
22 hundred dollars (\$20,671,500) from internal service  
23 funds/interagency transfers and three million four hundred  
24 twenty-seven thousand two hundred dollars (\$3,427,200) from  
25 federal funds is appropriated to the department of finance and

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1 administration for allocation to commerce and industry agencies  
2 in fiscal year 2017.

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

4 Seventy-two million three hundred seventy-one thousand eight  
5 hundred dollars (\$72,371,800) from the general fund,  
6 ninety-four million one hundred forty thousand nine hundred  
7 dollars (\$94,140,900) from other state funds, thirteen million  
8 three hundred eighty-nine thousand two hundred dollars  
9 (\$13,389,200) from internal service funds/interagency transfers  
10 and thirty-seven million eight hundred ninety-nine thousand  
11 nine hundred dollars (\$37,899,900) from federal funds is  
12 appropriated to the department of finance and administration  
13 for allocation to agriculture, energy and natural resources  
14 agencies in fiscal year 2017.

15 F. HEALTH, HOSPITALS AND HUMAN SERVICES.--One

16 billion seven hundred thirty-seven million seven hundred  
17 forty-two thousand eight hundred dollars (\$1,737,742,800) from  
18 the general fund, three hundred twenty-six million nine hundred  
19 twenty-five thousand six hundred dollars (\$326,925,600) from  
20 other state funds, three hundred twenty-five million six  
21 hundred sixty-six thousand six hundred dollars (\$325,666,600)  
22 from internal service funds/interagency transfers and six  
23 billion one hundred fifty-three million four hundred fifty-six  
24 thousand one hundred dollars (\$6,153,456,100) from federal  
25 funds is appropriated to the department of finance and

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1 administration for allocation to health, hospitals and human  
2 services agencies in fiscal year 2017.

3 G. PUBLIC SAFETY.--Four hundred forty million two  
4 hundred fifty-three thousand two hundred dollars (\$440,253,200)  
5 from the general fund, thirty-four million seventy-six thousand  
6 eight hundred dollars (\$34,076,800) from other state funds,  
7 twelve million four hundred thirty thousand six hundred dollars  
8 (\$12,430,600) from internal service funds/interagency transfers  
9 and fifty-two million two hundred three thousand four hundred  
10 dollars (\$52,203,400) from federal funds is appropriated to the  
11 department of finance and administration for allocation to  
12 public safety agencies in fiscal year 2017.

13 H. TRANSPORTATION.--Four hundred forty million  
14 eight hundred seventy-five thousand two hundred dollars  
15 (\$440,875,200) from other state funds and four hundred eight  
16 million nine hundred nineteen thousand eight hundred dollars  
17 (\$408,919,800) from federal funds is appropriated to the  
18 department of finance and administration for allocation to  
19 transportation agencies in fiscal year 2017.

20 I. OTHER EDUCATION.--One hundred sixty-two million  
21 nine hundred eighty-three thousand six hundred dollars  
22 (\$162,983,600) from the general fund, eleven million two  
23 hundred sixty-seven thousand eight hundred dollars  
24 (\$11,267,800) from other state funds, thirty-six thousand  
25 dollars (\$36,000) from internal service funds/interagency

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1 transfers and twenty-eight million seventy-five thousand one  
2 hundred dollars (\$28,075,100) from federal funds is  
3 appropriated to the department of finance and administration  
4 for allocation to other education agencies in fiscal year 2017.

5 J. HIGHER EDUCATION.--Eight hundred fifty-six  
6 million eight hundred thirty-two thousand seven hundred dollars  
7 (\$856,832,700) from the general fund, eighteen million five  
8 hundred twenty-seven thousand eight hundred dollars  
9 (\$18,527,800) from other state funds, forty-four million three  
10 hundred twenty thousand six hundred dollars (\$44,320,600) from  
11 internal service funds/interagency transfers and ten million  
12 five hundred fifty-four thousand six hundred dollars  
13 (\$10,554,600) from federal funds is appropriated to the higher  
14 education department for expenditure or allocation to higher  
15 education agencies in fiscal year 2017.

16 K. PUBLIC SCHOOL SUPPORT.--Two billion six hundred  
17 ninety million seven hundred twenty-three thousand nine hundred  
18 dollars (\$2,690,723,900) from the general fund and four hundred  
19 fourteen million two hundred thirty-three thousand three  
20 hundred dollars (\$414,233,300) from federal funds is  
21 appropriated to the public education department for expenditure  
22 or allocation to public school districts in fiscal year 2017.

23 SECTION 5. COMPENSATION APPROPRIATIONS.--Eleven million  
24 dollars (\$11,000,000) is appropriated from the general fund to  
25 the department of finance and administration for expenditure in

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1 fiscal year 2017 for salary adjustments in specific job  
2 classifications in the classified service identified by the  
3 department of finance and administration and the state  
4 personnel office as having specific problems affecting  
5 recruitment and retention, including compensation relative to  
6 market salaries, salary compaction internal to agencies,  
7 internal pay equity and difficult-to-fill positions.

8 SECTION 6. FUND TRANSFERS.--Notwithstanding the  
9 provisions of Sections 6-4-9 and 6-4-11 NMSA 1978 or other  
10 substantive law, the department of finance and administration  
11 shall transfer an amount from the tobacco settlement permanent  
12 fund to the tobacco settlement program fund equal to the  
13 difference between appropriations in Section 4 of the General  
14 Appropriation Act of 2016 made from the tobacco settlement  
15 program fund and the amount transferred to the tobacco  
16 settlement program fund pursuant to Subsection B of Section  
17 6-4-9 NMSA 1978 in fiscal year 2017 to fully fund  
18 appropriations made from the tobacco settlement program fund  
19 contained in Section 4 of the General Appropriation Act of  
20 2016.

21 SECTION 7. SEVERABILITY.--If any part or application of  
22 this act is held invalid, the remainder or its application to  
23 other situations or persons shall not be affected.