

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

_____ BILL

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SPECIAL SESSION, 2020

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO GENERAL APPROPRIATIONS; REDUCING APPROPRIATIONS FOR FISCAL YEAR 2021 MADE IN LAWS 2020, CHAPTERS 1 AND 83; CHANGING CERTAIN REQUIREMENTS PROVIDED FOR IN LAWS 2020, CHAPTER 83 AND LAWS 2019, SECTION 271; TRANSFERRING MONEY REMAINING FROM CERTAIN FEDERAL ALLOCATIONS TO THE STATE TO MEET EXISTING FEDERAL REQUIREMENTS AND FOR PUBLIC SCHOOL SUPPORT; ALLOWING THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO MAKE CERTAIN TRANSFERS, REDUCE OPERATING BUDGETS AND REDUCE ALLOTMENTS TO MATCH APPROPRIATION REDUCTIONS; APPROPRIATING LEGISLATIVE CASH BALANCES FOR THE EXPENSES OF THE FIFTY-FOURTH LEGISLATURE, FIRST SPECIAL SESSION, 2020; EXTENDING THE EXPENDITURE PERIOD FOR AN APPROPRIATION FOR CENSUS OUTREACH; REQUIRING THE PUBLIC EDUCATION DEPARTMENT TO PRIORITIZE EXTENDED LEARNING TIME PROGRAMS TO ACCOUNT FOR INSTRUCTION LOST IN THE 2019-2020 SCHOOL YEAR; MAKING A TECHNICAL CORRECTION; MAKING AN

.217870.3

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

underscored material = new
[bracketed material] = delete

1 APPROPRIATION.

2

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

4 SECTION 1. LEGISLATIVE BRANCH APPROPRIATION REDUCTIONS.--

5 The appropriations made from the general fund in Laws 2020,
6 Chapter 1, Sections 3 and 5 through 8 are reduced by four
7 percent rounded to the nearest one hundred dollars (\$100). To
8 meet the reductions required by this section and maintain
9 government efficiency, the New Mexico legislative council shall
10 determine the amount of reduction applied to each legislative
11 agency and purpose and may transfer amounts from any of the
12 appropriations in Laws 2020, Chapter 1 to any other legislative
13 expenditure where they may be needed.

14 SECTION 2. A new section of the General Appropriation Act
15 of 2020 is enacted to read:

16 "[NEW MATERIAL] GENERAL FUND APPROPRIATION REDUCTIONS--

17 SECTION 4.--

18 A. Except as otherwise provided in this section,
19 all amounts set out under the general fund column in Section 4
20 of the General Appropriation Act of 2020, except Subsection K
21 of Section 4 of that act, are each reduced by four percent
22 rounded to the nearest one hundred dollars (\$100).

23 B. The general fund appropriations to the human
24 services department for the medical assistance program and the
25 medicaid behavioral health program of the human services

.217870.3

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

1 department in Section 4 of the General Appropriation Act of
2 2020 are each reduced by three percent, rounded to the nearest
3 one hundred dollars (\$100).

4 C. The general fund appropriations to the
5 department of health in Section 4 of the General Appropriation
6 Act of 2020 are each reduced by two percent.

7 D. The following general fund appropriations in
8 Section 4 of the General Appropriation Act of 2020 are reduced
9 by six percent, rounded to the nearest one hundred dollars
10 (\$100):

11 (1) appropriations to the department of
12 finance and administration for dues and membership fees or
13 special appropriations;

14 (2) appropriations to each institution of
15 higher education, except appropriations for instruction and
16 general purposes and appropriations to the New Mexico
17 department of agriculture, cooperative extension service and
18 agricultural experiment station, which shall be reduced as
19 provided for in Subsection A of this section;

20 (3) appropriations for the regional education
21 cooperatives; and

22 (4) appropriations to the public education
23 department for special appropriations.

24 E. To meet the reductions required by this section
25 and maintain government efficiency, each agency shall determine

.217870.3

underscored material = new
[bracketed material] = delete

1 the amount of reduction applied to each specific program or
2 purpose. The department of finance and administration shall
3 provide guidance to each agency provided for in this section to
4 assist the agency in targeting program reductions that will
5 minimize the impact of the reductions on direct services
6 provided by the agency."

7 SECTION 3. A new section of the General Appropriation Act
8 of 2020 is enacted to read:

9 "[NEW MATERIAL] ADDITIONAL APPROPRIATION REDUCTIONS AND
10 CHANGES--SECTION 4.--

11 A. In addition to the general fund reductions in
12 Sections 2, 4 and 5 of this 2020 act, the general fund
13 appropriation in Section 4 of the General Appropriation Act of
14 2020 to:

15 (1) the facilities management program of the
16 general services department is reduced by six hundred thousand
17 dollars (\$600,000);

18 (2) the elections program of the secretary of
19 state is reduced by five hundred thousand dollars (\$500,000);

20 (3) the marketing and promotion program of the
21 tourism department is reduced by six hundred thousand dollars
22 (\$600,000);

23 (4) the economic development program of the
24 economic development department is reduced by five hundred
25 thousand dollars (\$500,000);

.217870.3

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

1 (5) the spaceport authority is reduced by six
2 hundred thousand dollars (\$600,000);

3 (6) program support of the state engineer is
4 reduced by four hundred thousand dollars (\$400,000);

5 (7) the early childhood education and care
6 program of the early childhood education and care department is
7 reduced by three million three hundred thousand dollars
8 (\$3,300,000);

9 (8) the public pre-kindergarten program of the
10 early childhood education and care department is reduced by one
11 million dollars (\$1,000,000);

12 (9) program support of the early childhood
13 education and care department is reduced by six hundred
14 seventy-one thousand four hundred dollars (\$671,400);

15 (10) the medical assistance program of the
16 human services department is reduced by seventeen million
17 dollars (\$17,000,000);

18 (11) the income support program of the human
19 services department is reduced by one million one hundred
20 twenty-seven thousand four hundred dollars (\$1,127,400);

21 (12) the behavioral health services program of
22 the human services department is reduced by five hundred
23 thousand dollars (\$500,000);

24 (13) program support of the human services
25 department is reduced by five hundred seventy-two thousand six

.217870.3

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

1 hundred dollars (\$572,600);

2 (14) the developmental disabilities support
3 program of the department of health is reduced by two million
4 four hundred thousand dollars (\$2,400,000);

5 (15) program support of the department of
6 health is reduced by six hundred thousand dollars (\$600,000);

7 (16) the water protection program of the
8 department of environment is reduced by four hundred thousand
9 dollars (\$400,000);

10 (17) the protective services program of the
11 children, youth and families department is reduced by one
12 million dollars (\$1,000,000);

13 (18) program support of the children, youth
14 and families department is reduced by five hundred thousand
15 dollars (\$500,000);

16 (19) the inmate management and control program
17 of the corrections department is reduced by seven hundred fifty
18 thousand dollars (\$750,000);

19 (20) the law enforcement program of the
20 department of public safety is reduced by one million dollars
21 (\$1,000,000); and

22 (21) the opportunity scholarship program of
23 the higher education department is reduced by seven million
24 dollars (\$7,000,000).

25 B. Notwithstanding any other provision of the

.217870.3

underscored material = new
[bracketed material] = delete

1 General Appropriation Act of 2020, the college of agriculture,
2 consumer and environmental sciences of New Mexico state
3 university shall not transfer the staff position and funding
4 for the rodeo coach to the athletics department."

5 SECTION 4. A new section of the General Appropriation Act
6 of 2020 is enacted to read:

7 "[NEW MATERIAL] REDUCTIONS ACCOUNTING FOR FEDERAL FUND
8 ALLOCATIONS--SECTION 4.--

9 A. In addition to the general fund reductions in
10 Sections 2, 3 and 5 of this 2020 act, to account for certain
11 funds received through the federal Coronavirus Aid, Relief, and
12 Economic Security Act, other state funds and federal funds, the
13 general fund appropriations in Section 4 of the General
14 Appropriation Act of 2020 to:

15 (1) the early childhood education and care
16 department is reduced by five million dollars (\$5,000,000);

17 (2) the department of health is reduced by
18 seven million dollars (\$7,000,000);

19 (3) the human services department is reduced
20 by seventy-five million dollars (\$75,000,000);

21 (4) the instruction and general purposes
22 appropriations to each higher education institution are reduced
23 by twenty-five million two hundred sixty-four thousand seven
24 hundred dollars (\$25,264,700);

25 (5) the health sciences center of the

.217870.3

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

1 university of New Mexico for instruction and general purposes
2 is reduced by one million six hundred nineteen thousand three
3 hundred dollars (\$1,619,300);

4 (6) the public education department special
5 appropriations in Subsection I are reduced by ten million
6 dollars (\$10,000,000), in proportion to each special
7 appropriation's share of total public education department
8 special appropriations to reflect funding support from the
9 governor's emergency education relief fund of the federal
10 Coronavirus Aid, Relief, and Economic Security Act; and

11 (7) the state equalization guarantee
12 distribution provided in Item (1) of Subsection K is reduced by
13 forty-four million six hundred sixty-one thousand dollars
14 (\$44,661,000) to reflect funding support from the elementary
15 and secondary school emergency relief fund of the federal
16 Coronavirus Aid, Relief, and Economic Security Act.

17 B. To administer the reductions provided in
18 Paragraph (3) of Subsection A of this section, the department
19 of finance and administration shall reduce the general fund
20 allotment for instruction and general purposes appropriations
21 to each higher education public college and university by
22 forty-five percent of the amount each institution received
23 pursuant to the federal Coronavirus Aid, Relief, and Economic
24 Security Act."

25 SECTION 5. A new section of the General Appropriation Act

.217870.3

underscored material = new
[bracketed material] = delete

1 of 2020 is enacted to read:

2 "[NEW MATERIAL] ADDITIONAL PUBLIC EDUCATION AND PUBLIC
3 SCHOOL SUPPORT APPROPRIATION REDUCTIONS AND CHANGES--SECTION
4 4.--

5 A. In addition to the general fund reductions
6 provided in Section 4 of this 2020 act, the general fund
7 appropriation to the state equalization guarantee distribution
8 in Item (1) of Subsection K of the General Appropriation Act of
9 2020 is reduced by one hundred sixty-two million twenty-eight
10 thousand nine hundred dollars (\$162,028,900).

11 B. As provided in Item (1) of Subsection K of the
12 General Appropriation Act of 2020, in lieu of the:

13 (1) six million dollars (\$6,000,000) for
14 elementary physical education programs, no additional funding
15 shall be included for elementary physical education programs;

16 (2) one hundred nineteen million eight hundred
17 ninety-five thousand nine hundred dollars (\$119,895,900) for
18 K-5 plus programs, seventy-nine million eight hundred
19 ninety-five thousand nine hundred dollars (\$79,895,900) shall
20 be included for K-5 plus programs;

21 (3) ten million dollars (\$10,000,000) to
22 provide evidence-based structured literacy interventions and
23 develop literacy collaborative models that lead to improved
24 reading and writing achievement of students in kindergarten
25 through second grade, eight million dollars (\$8,000,000) shall

.217870.3

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

1 be included to provide evidence-based structured literacy
2 interventions and develop literacy collaborative models that
3 lead to improved reading and writing achievement of students in
4 kindergarten through second grade;

5 (4) fifty-nine million one hundred eighty
6 thousand two hundred dollars (\$59,180,200) to provide an
7 average four percent salary increase to all licensed teachers
8 whose primary duty is classroom instruction, nine million
9 seventy thousand six hundred dollars (\$9,070,600) shall be
10 included to provide salary increases to all licensed teachers
11 whose primary duty is classroom instruction; provided that the
12 secretary of public education shall not:

13 (a) approve the operating budget of a
14 school district or charter school that does not provide an
15 average salary increase for all licensed teachers whose primary
16 duty is classroom instruction of one and one-half percent for
17 employees earning an annual salary of less than forty thousand
18 dollars (\$40,000) and one-half percent for employees earning an
19 annual salary of forty thousand dollars (\$40,000) or higher;

20 (b) approve the operating budget of a
21 school district or charter school that fails to mitigate
22 reductions in employee take home pay due to changes in health
23 insurance premiums; and

24 (c) require that the operating budget of
25 a school district or charter school provide an average four

.217870.3

underscoring material = new
[bracketed material] = delete

1 percent salary increase for all licensed teachers whose primary
2 duty is classroom instruction; and

3 (5) thirty-three million four hundred
4 forty-seven thousand four hundred dollars (\$33,447,400) to
5 provide an average four percent salary increase for all school
6 personnel, other than licensed teachers whose primary duty is
7 classroom instruction, seven million four hundred seventy-two
8 thousand seven hundred dollars (\$7,472,700) shall be included
9 to provide salary increases for all school personnel, other
10 than licensed teachers whose primary duty is classroom
11 instruction; provided that the secretary of public education
12 shall not:

13 (a) approve the operating budget of a
14 school district or charter school that does not provide an
15 average salary increase for all school personnel, other than
16 licensed teachers whose primary duty is classroom instruction,
17 of one and one-half percent for employees earning an annual
18 salary of less than forty thousand dollars (\$40,000) and one-
19 half percent for employees earning an annual salary of forty
20 thousand dollars (\$40,000) or higher;

21 (b) approve the operating budget of a
22 school district or charter school that fails to mitigate
23 reductions in employee take home pay due to changes in health
24 insurance premiums; and

25 (c) require that the operating budget of

.217870.3

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

1 a school district or charter school provide an average four
2 percent salary increase for all school personnel, other than
3 licensed teachers whose primary duty is classroom instruction.

4 C. The changes provided in Subsection B of this
5 section shall not be construed to require additional reductions
6 to the total general fund appropriation to the state
7 equalization guarantee distribution in Item (1) of Subsection K
8 of the General Appropriation Act of 2020.

9 D. An elementary school that provided all enrolled
10 elementary school students at least twenty-five additional
11 instructional days beyond the number of regular instructional
12 days provided in the 2018-2019 school year is eligible to
13 generate K-5 plus program units using the average number of
14 elementary school students enrolled in that elementary school
15 on the second and third reporting date of the 2019-2020 school
16 year multiplied by the cost differential factor of three-tenths
17 as established in Section 22-8-23.11 NMSA 1978.

18 E. Notwithstanding provisions of the K-5 Plus Act,
19 the secretary of public education may waive up to ten days of a
20 K-5 plus program in an elementary school that offers the
21 program to all enrolled students and is closed due to a public
22 health emergency in fiscal year 2021.

23 F. The public education department shall work with
24 school districts and charter schools to prioritize additional
25 instructional time for all students through participation in

.217870.3

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

1 extended learning time programs authorized by Section
2 22-8-23.10 NMSA 1978 to recover instructional time that was
3 lost to students during the 2019-2020 school year due to the
4 public health emergency. A school district or charter school
5 is eligible to generate additional program units using the
6 average number of students enrolled in the school district or
7 charter school on the second and third reporting date of the
8 2019-2020 school year multiplied by the cost differential
9 factor of eleven-hundredths as established in Section
10 22-8-23.10 NMSA 1978 if the school district or charter school
11 provides all enrolled students:

12 (1) ten additional instructional days beyond
13 the number of regular instructional days provided in the
14 2018-2019 school year;

15 (2) a five-day school week and one hundred
16 ninety instructional days during the 2020-2021 school year; or

17 (3) a four-day school week and one hundred
18 sixty instructional days during the 2020-2021 school year.

19 G. A school district or charter school that chooses
20 not to add the additional instructional time provided in
21 Subsection F of this section shall provide written notification
22 to the public education department, the legislative education
23 study committee and the legislative finance committee of its
24 intent not to participate and additional documentation
25 detailing how the school district or charter school will

.217870.3

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

1 recover instructional time that was lost to students during the
2 2019-2020 school year due to the public health emergency in its
3 educational plan pursuant to Section 22-8-6 NMSA 1978.

4 H. In addition to the authority provided in Item
5 (1) of Subsection K of Section 4 of the General Appropriation
6 Act of 2020 to the secretary of public education to determine a
7 program unit value, the secretary of public education shall
8 adjust the preliminary unit value used to establish budgets for
9 the 2020-2021 school year by August 1, 2020 to account for any
10 changes to the state equalization guarantee distribution. In
11 adjusting the preliminary unit value in August, the public
12 education department shall consult with the department of
13 finance and administration, the legislative finance committee
14 and the legislative education study committee.

15 I. If the secretary of public education determines
16 that all legal remedies have been exhausted and a final court
17 decision prohibits the deduction of federal revenue pursuant to
18 Paragraph (2) of Subsection C of Section 22-8-25 NMSA 1978 that
19 includes payments to school districts and charter schools
20 commonly known as "impact aid funds" pursuant to 20 U.S.C. 7701
21 et seq., and formerly known as "PL 874 funds" for fiscal years
22 2020 and 2021, the state board of finance shall approve a
23 transfer from the state-support reserve fund to make payments
24 to impact aid school districts and charter schools affected by
25 the court decision.

.217870.3

underscored material = new
[bracketed material] = delete

1 J. The appropriation from the general fund to the
2 transportation distribution provided in Item (2) of Subsection
3 K of Section 4 of the General Appropriation Act of 2020 is
4 reduced by five million three hundred one thousand one hundred
5 dollars (\$5,301,100).

6 K. As provided in Item (2) of Subsection K of the
7 General Appropriation Act of 2020, in lieu of the one million
8 five hundred ninety-four thousand dollars (\$1,594,000) to
9 provide an average four percent salary increase for all public
10 school transportation personnel, three hundred six thousand
11 eight hundred dollars (\$306,800) shall be included to provide
12 salary increases for all public school transportation
13 personnel; provided that the secretary of public education
14 shall not:

15 (1) approve the operating budget of a school
16 district or charter school that does not provide an average
17 salary increase for all public school transportation personnel
18 of one and one-half percent for employees earning an annual
19 salary of less than forty thousand dollars (\$40,000) and one-
20 half percent for employees earning an annual salary of forty
21 thousand dollars (\$40,000) or higher;

22 (2) approve the operating budget of a school
23 district or charter school that fails to mitigate reductions in
24 employee take home pay due to changes in health insurance
25 premiums; and

.217870.3

underscored material = new
[bracketed material] = delete

1 (3) require that the operating budget of a
2 school district or charter school provide an average four
3 percent salary increase for all public school transportation
4 personnel.

5 L. The change provided in Subsection J of this
6 section shall not be construed to require additional reductions
7 to the general fund appropriation to the transportation
8 distribution in Item (2) of Subsection K of the General
9 Appropriation Act of 2020.

10 M. The appropriations from the general fund to the
11 supplemental distribution, dual-credit instructional materials,
12 Indian education fund and standards-based assessments in
13 Subsection K of Section 4 of the General Appropriation Act of
14 2020 are reduced by four million fourteen thousand dollars
15 (\$4,014,000), as determined by the public education department.

16 N. The appropriations from the general fund to the
17 public education department special appropriations in
18 Subsection I of Section 4 of the General Appropriation Act of
19 2020 are reduced by three million four hundred fifteen thousand
20 nine hundred dollars (\$3,415,900) in proportion to each
21 appropriation's share of total public education department
22 special appropriations."

23 SECTION 6. A new section of the General Appropriation Act
24 of 2020 is enacted to read:

25 "[NEW MATERIAL] APPROPRIATION INCREASES--SECTION 4.--The
.217870.3

underscored material = new
[bracketed material] = delete

1 appropriations in Section 4 of the General Appropriation Act of
2 2020 are each increased by the following:

3 A. the internal service funds or interagency
4 transfers appropriation to the fiscal management and oversight
5 program of the department of finance and administration in the
6 other financing uses category is increased by seventeen million
7 dollars (\$17,000,000) from the tobacco settlement program fund
8 for medicaid programs; and

9 B. the internal service funds or interagency
10 transfers appropriations to the medical assistance program of
11 the human services department is increased by seventeen million
12 dollars (\$17,000,000) from the department of finance and
13 administration for medicaid programs."

14 SECTION 7. A new section of the General Appropriation Act
15 of 2020 is enacted to read:

16 "[NEW MATERIAL] APPROPRIATION REDUCTIONS--SECTION 5.--

17 A. The appropriations in Section 5 of the General
18 Appropriation Act of 2020 are each reduced by the following:

19 (1) the general fund appropriation to the
20 administrative office of the courts to purchase and install
21 furniture and equipment and convert permanent and long-term
22 retention case files to digitization at magistrate courts in
23 Item (8) is reduced by five hundred thousand dollars
24 (\$500,000);

25 (2) the general fund appropriation to the

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

1 administrative office of the courts for a unified appropriation
2 for magistrate court security personnel in Item (9) is reduced
3 by two hundred thousand dollars (\$200,000);

4 (3) the general fund appropriation to the
5 first judicial district attorney to purchase office furniture
6 and telephones in Item (19) is reduced by twenty-five thousand
7 dollars (\$25,000);

8 (4) the general fund appropriation to the
9 public defender department to purchase vehicles in Item (24) is
10 reduced by sixty thousand dollars (\$60,000);

11 (5) the general fund appropriation to the
12 department of finance and administration for a youth symphony
13 music program and concerts in Roswell, New Mexico in Item (31)
14 is reduced by seventy-five thousand dollars (\$75,000);

15 (6) the general fund appropriation to the
16 department of finance and administration for the civil legal
17 services fund in Item (33) is reduced by fifty thousand dollars
18 (\$50,000);

19 (7) the general fund appropriation to the
20 department of finance and administration for the local
21 government division to work with Los Lunas to plan for a new
22 hospital in Item (34) is reduced by one hundred thousand
23 dollars (\$100,000);

24 (8) the general fund appropriation to the
25 general services department to purchase vehicles in Item (37)

.217870.3

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

1 is reduced by two million dollars (\$2,000,000);

2 (9) the general fund appropriation to the
3 department of information technology for the replacement or
4 upgrade of outdated information technology equipment and
5 software in Item (42) is reduced by one million dollars
6 (\$1,000,000);

7 (10) the general fund appropriation to the
8 economic development department for a twenty-year, statewide
9 economic development plan in Item (47) is reduced by three
10 hundred thousand dollars (\$300,000);

11 (11) the general fund appropriation to the
12 economic development department for economic development
13 projects in Cibola and McKinley counties in Item (48) is
14 reduced by one million five hundred thousand dollars
15 (\$1,500,000), including reductions of five hundred thousand
16 dollars (\$500,000) to the New Mexico institute of mining and
17 technology, five hundred thousand dollars (\$500,000) to New
18 Mexico state university and five hundred thousand dollars
19 (\$500,000) pursuant to the Local Economic Development Act;

20 (12) the general fund appropriation to the
21 economic development department for economic development
22 projects pursuant to the Local Economic Development Act in Item
23 (49) is reduced by five million dollars (\$5,000,000);

24 (13) the general fund appropriation to the
25 economic development department to the development training

.217870.3

underscoring material = new
[bracketed material] = delete

1 fund for the job training incentive program in Item (51) is
2 reduced by one million dollars (\$1,000,000);

3 (14) the general fund appropriation to the
4 energy, minerals and natural resources department to promote
5 cost effective investments in clean energy production and
6 management for the purposes of growing the economy in Item (62)
7 is reduced by five hundred thousand dollars (\$500,000);

8 (15) the general fund appropriation to the
9 state engineer for the interstate stream compact compliance and
10 water development program to develop and fund a water
11 management pilot project for the lower Rio Grande for fiscal
12 years 2020 through 2023 in Item (67) is reduced by ten million
13 dollars (\$10,000,000);

14 (16) the general fund appropriation to the
15 aging and long-term services department for the Kiki Saavedra
16 senior dignity fund in Item (81) is reduced by one million
17 dollars (\$1,000,000);

18 (17) the general fund appropriation to the
19 department of health for master planning assessments for five
20 department of health hospitals in Item (93) is reduced by four
21 hundred thousand dollars (\$400,000);

22 (18) the general fund appropriation to the
23 office of the natural resources trustee for the natural
24 resources trustee fund in Item (101) is reduced five hundred
25 thousand dollars (\$500,000);

.217870.3

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

1 (19) the general fund appropriation to the
2 corrections department for hepatitis c treatment and planning
3 in Item (104) is reduced by three million dollars (\$3,000,000);

4 (20) the general fund appropriation to the
5 department of public safety to purchase a robot for the New
6 Mexico state police bomb squad in Item (109) is reduced by four
7 hundred eleven thousand dollars (\$411,000);

8 (21) the general fund appropriation to the
9 department of public safety to purchase and equip law
10 enforcement vehicles in Item (113) is reduced by two million
11 six hundred thousand dollars (\$2,600,000);

12 (22) the general fund appropriation to the
13 homeland security and emergency management department for
14 border security, public health and communications, including
15 one hundred thousand dollars (\$100,000) for distribution to law
16 enforcement agencies in border counties, in Item (114) is
17 reduced by three hundred fifty thousand dollars (\$350,000);

18 (23) the general fund appropriation to the
19 homeland security and emergency management department for
20 office furniture in Item (116) is reduced by thirty-four
21 thousand three hundred dollars (\$34,300);

22 (24) the general fund appropriation to the
23 homeland security and emergency management department to
24 purchase vehicles in Item (117) is reduced by five hundred
25 fifty thousand dollars (\$550,000);

.217870.3

underscored material = new
[bracketed material] = delete

1 (25) the appropriation made from the public
2 education reform fund to the public education department to
3 develop culturally and linguistically appropriate instructional
4 materials and curricula in Item (120) is reduced by eight
5 million dollars (\$8,000,000);

6 (26) the appropriation made from the public
7 education reform fund to the public education department for a
8 school budget transparency website in Item (124) is reduced by
9 three million dollars (\$3,000,000);

10 (27) the appropriation made from the public
11 education reform fund to the public education department for
12 school improvement grants at public schools previously
13 identified as a more rigorous intervention school by the public
14 education department in Item (127) is reduced by two million
15 nine hundred thirty-three thousand one hundred dollars
16 (\$2,933,100);

17 (28) the appropriation made from the public
18 education reform fund to the public education department for a
19 statewide special education convening in Item (129) is reduced
20 by seven hundred fifty thousand dollars (\$750,000);

21 (29) the appropriation made from the public
22 education reform fund to the public education department to
23 place teachers in hard-to-staff schools and provide ongoing
24 support and development in Item (131) is reduced by one million
25 dollars (\$1,000,000);

.217870.3

underscoring material = new
[bracketed material] = delete

1 (30) the appropriation made from the public
2 education reform fund to the public education department for
3 teacher residencies in Item (132) is reduced by one million
4 dollars (\$1,000,000);

5 (31) the general fund appropriation to the
6 higher education department for financial aid for low-income
7 students in Item (135) is reduced by ten million dollars
8 (\$10,000,000), including reductions of five million dollars
9 (\$5,000,000) for the teacher preparation affordability
10 scholarship fund and five million dollars (\$5,000,000) for the
11 opportunity scholarship;

12 (32) the general fund appropriation to New
13 Mexico state university to the New Mexico department of
14 agriculture for the soil and water conservation commission for
15 a pilot agricultural and natural resources grant program in
16 Item (138) is reduced by one million eight hundred thousand
17 dollars (\$1,800,000);

18 (33) the general fund appropriation to the
19 computer systems enhancement fund for transfer to the computer
20 systems enhancement fund for system replacements or
21 enhancements in Item (139) is reduced by six million seven
22 hundred thirty-three thousand nine hundred dollars
23 (\$6,733,900);

24 (34) the appropriation made from the public
25 education reform fund to public school support to pilot summer

.217870.3

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

1 extended learning opportunities in historically defined Indian
2 impacted school districts or charter schools and school
3 districts with a membership of fewer than two hundred,
4 including early childhood education full-time-equivalent
5 membership, in Item (140) is reduced by five million dollars
6 (\$5,000,000);

7 (35) the appropriation made from the public
8 education reform fund to public school support for
9 instructional materials in Item (141) is reduced by four
10 million five hundred thousand dollars (\$4,500,000); and

11 (36) the appropriation made from the public
12 education reform fund to public school support to pilot K-12
13 plus programs and support public schools establishing partial
14 K-5 plus programs that will comply with the K-5 Plus Act by
15 fiscal year 2023 in Item (142) is reduced by thirty million
16 dollars (\$30,000,000).

17 B. If funding from the federal Coronavirus Aid,
18 Relief, and Economic Security Act is available, the department
19 of finance and administration may use those funds to provide
20 supplemental funding for the appropriations to the public
21 education department or to public school support listed in
22 Subsection A this section; provided that funding from the
23 federal Coronavirus Aid, Relief, and Economic Security Act
24 shall not exceed the total appropriation reduction for a
25 purpose as provided by this section."

.217870.3

underscored material = new
[bracketed material] = delete

1 **SECTION 8.** A new section of the General Appropriation Act
2 of 2020 is enacted to read:

3 "[NEW MATERIAL] **DEVELOPMENTAL DISABILITIES SUPPORT**
4 **PROGRAM--REVERSION--SECTION 5.**--Notwithstanding any other
5 provision of the General Appropriation Act of 2020, the total
6 amount of funds that shall revert pursuant to Item (89) of
7 Section 5 of the General Appropriation Act of 2020 shall be
8 seven million dollars (\$7,000,000). Any unexpended balance
9 over seven million dollars (\$7,000,000) in the developmental
10 disabilities support program of the department of health
11 remaining at the end of fiscal year 2020 shall not revert to
12 the general fund."

13 **SECTION 9.** A new section of the General Appropriation Act
14 of 2020 is enacted to read:

15 "[NEW MATERIAL] **SUPPLEMENTAL AND DEFICIENCY APPROPRIATION**
16 **REDUCTION--SECTION 6.**--The general fund appropriation in Item
17 (6) of Section 6 of the General Appropriation Act of 2020 to
18 the public school insurance authority to the public school
19 insurance fund to pay insurance claims is reduced by two
20 million dollars (\$2,000,000)."

21 **SECTION 10.** A new section of the General Appropriation
22 Act of 2020 is enacted to read:

23 "[NEW MATERIAL] **INFORMATION TECHNOLOGY APPROPRIATION**
24 **REDUCTIONS--SECTION 7.**--The appropriations from the computer
25 systems enhancement fund in Section 7 of the General

.217870.3

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

1 Appropriation Act of 2020 are each reduced by the following:

2 A. the appropriation to the public defender
3 department to implement an integrated document management
4 system and a redundant storage system for digital
5 archives in Item (3) is reduced by one million seventy thousand
6 dollars (\$1,070,000);

7 B. the appropriation to the department of finance
8 and administration to develop a web-based interface for the
9 comprehensive annual financial report system software in Item
10 (7) is reduced by two hundred fifty thousand dollars
11 (\$250,000);

12 C. the appropriation to the personnel board to
13 implement additional functionality in the human capital
14 management module in the statewide human resource accounting
15 and reporting system in Item (12) is reduced by two million
16 five hundred thousand dollars (\$2,500,000);

17 D. the appropriation to the tourism department to
18 purchase and install interactive technology at four statewide
19 visitor information centers in Item (13) is reduced by five
20 hundred eighty-two thousand nine hundred dollars (\$582,900);

21 E. the appropriation to the department of
22 environment to implement an enterprise environmental
23 information system for the department of environment programs
24 in Item (35) is reduced by one million five hundred eighty-one
25 thousand dollars (\$1,581,000); and

.217870.3

underscored material = new
[bracketed material] = delete

1 F. the appropriation to the corrections department
2 for the initiation and planning phase to implement an
3 electronic health records system with a commercial
4 off-the-shelf solution in Item (39) is reduced by seven hundred
5 fifty thousand dollars (\$750,000)."

6 SECTION 11. A new section of the General Appropriation
7 Act of 2020 is enacted to read:

8 "[NEW MATERIAL] COMPENSATION APPROPRIATIONS REDUCTION--
9 SECTION 8.--The general fund appropriations in Section 8 of the
10 General Appropriation Act of 2020 are reduced to thirteen
11 million one hundred forty-nine thousand nine hundred dollars
12 (\$13,149,900), and salary increases as provided in that section
13 are reduced as follows:

14 A. for permanent legislative employees, as provided
15 in Item (1) of Subsection A, the appropriation is reduced to
16 one hundred nine thousand four hundred dollars (\$109,400), and
17 the salary increase is reduced to a rate of one and one-half
18 percent for employees earning an annual salary of less than
19 forty thousand dollars (\$40,000) and one-half percent for
20 employees earning an annual salary of forty thousand dollars
21 (\$40,000) or higher;

22 B. for all judicial permanent employees excluding
23 judges, all district attorney permanent employees, all public
24 defender department permanent employees, judicial child support
25 hearing officers and judicial special commissioners, as

.217870.3

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

1 provided in Item (2) of Subsection A, the appropriation is
2 reduced to one million seven hundred thirty-four thousand four
3 hundred dollars (\$1,734,400), and the salary increase is
4 reduced to a rate of one and one-half percent for employees
5 earning an annual salary of less than forty thousand dollars
6 (\$40,000) and one-half percent for employees earning an annual
7 salary of forty thousand dollars (\$40,000) or higher;

8 C. for judges and magistrates, as provided in Item
9 (3) of Subsection A, the appropriation is reduced to one
10 hundred forty-seven thousand four hundred dollars (\$147,400),
11 and the salary increase is reduced to a rate of one-half
12 percent;

13 D. for incumbents in agencies governed by the State
14 Personnel Act, the New Mexico state police career pay system,
15 attorney general employees, workers' compensation judges and
16 executive exempt employees, as provided in Item (4) of
17 Subsection A, the appropriation is reduced to four million two
18 hundred ninety-two thousand two hundred dollars (\$4,292,200),
19 and the salary increase is reduced to a rate of one and one-
20 half percent for employees earning an annual salary of less
21 than forty thousand dollars (\$40,000) and one-half percent for
22 employees earning an annual salary of forty thousand dollars
23 (\$40,000) or higher; and

24 E. to the higher education department, for faculty
25 and staff of two-year and four-year public post-secondary

.217870.3

underscored material = new
[bracketed material] = delete

1 educational institutions, New Mexico military institute, New
2 Mexico school for the blind and visually impaired and New
3 Mexico school for the deaf, as provided in Item (5) of
4 Subsection A, the appropriation is reduced to six million eight
5 hundred sixty-six thousand five hundred dollars (\$6,866,500),
6 and the salary increase is reduced to a rate of one and one-
7 half percent for employees earning an annual salary of less
8 than forty thousand dollars (\$40,000) and one-half percent for
9 employees earning an annual salary of forty thousand dollars
10 (\$40,000) or higher."

11 SECTION 12. A new section of the General Appropriation
12 Act of 2020 is enacted to read:

13 "[NEW MATERIAL] SPECIAL TRANSPORTATION APPROPRIATION
14 REDUCTION--SECTION 9.--The general fund appropriation in Item
15 (1) of Section 9 of the General Appropriation Act of 2020 to
16 the department of transportation is reduced by forty-five
17 million dollars (\$45,000,000)."

18 SECTION 13. A new section of the General Appropriation
19 Act of 2020 is enacted to read:

20 "[NEW MATERIAL] FUND TRANSFER REDUCTIONS--SECTION 10.--The
21 general fund appropriation to the department of finance and
22 administration to the early childhood endowment fund in fiscal
23 year 2021 in Item (1) of Section 10 of the General
24 Appropriation Act of 2020 shall be made to the early childhood
25 education and care fund and is reduced by twenty million

.217870.3

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

1 dollars (\$20,000,000)."

2 SECTION 14. A new section of the General Appropriation
3 Act of 2020 is enacted to read:

4 "[NEW MATERIAL] ALLOCATION OF FEDERAL STIMULUS MONEY.--The
5 state of New Mexico, including political subdivisions of the
6 state, did not anticipate expenditures for the operation of
7 government in budgets for fiscal year 2020 or fiscal year 2021
8 to respond to the coronavirus disease 2019 public health
9 emergency. Of the money available at the time of this 2020 act
10 from the federal Coronavirus Aid, Relief, and Economic Security
11 Act state and local relief fund allocation to the state of New
12 Mexico:

13 A. one hundred thirty million dollars
14 (\$130,000,000) shall be used for necessary expenditures
15 incurred due to the coronavirus disease 2019 public health
16 emergency, including reimbursing agencies for eligible
17 expenditures in fiscal year 2020 and ongoing public health
18 emergency needs in fiscal year 2021;

19 B. one hundred fifty million dollars (\$150,000,000)
20 shall be allocated by the department of finance and
21 administration to cities and counties with a population of less
22 than five hundred thousand residents for necessary expenditures
23 responding to the public health emergency such as public
24 safety, health and other government expenditures necessary for
25 mitigating the effects, including secondary effects, of the

.217870.3

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

1 public health emergency in fiscal year 2021, including
2 reimbursing unforeseen expenditures in fiscal year 2020;

3 C. in addition to the amounts in Subsection B of
4 this section, the department of finance and administration
5 shall allocate an additional fifteen million dollars
6 (\$15,000,000) to the counties of Cibola, McKinley and San Juan,
7 and municipalities within those counties, for the same purposes
8 as set out in Subsection B of this section due to the
9 extraordinary impact of the public health emergency, and
10 associated unforeseen costs, in those jurisdictions;

11 D. in addition to the amounts in Subsection B of
12 this section, the department of finance and administration
13 shall allocate an additional twenty-three million dollars
14 (\$23,000,000) for the governments of Indian nations, pueblos or
15 tribes for the same purposes as set out in Subsection B of this
16 section due to the extraordinary impact of the public health
17 emergency, and associated unforeseen costs, in those
18 jurisdictions;

19 E. seven hundred fifty million dollars
20 (\$750,000,000) shall be transferred to the appropriation
21 account of the general fund for expenditure in fiscal year 2021
22 on expenditures reasonably necessary for the operation of
23 government, including:

24 (1) necessary expenditures within state
25 agencies, public schools and higher education to comply with

.217870.3

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

1 the public health orders, including sanitation, alternative
2 work and service delivery practices, and secondary effects to
3 operations caused by the coronavirus disease 2019 public health
4 emergency;

5 (2) public health, public health facilities,
6 public safety, adult and juvenile corrections, human services,
7 other non-medicaid health and behavioral health expenditures to
8 comply with public health orders; and

9 (3) expenditures for public and higher
10 education to deliver educational services, including
11 facilitating social distancing and mitigating lost learning,
12 and to facilitate economic support for businesses in New Mexico
13 to have a skilled workforce; and

14 F. contingent on certification by the secretary of
15 finance and administration of notice by the federal government
16 disallowing the use of funds in the manner provided in
17 Subsection E of this section, the department of finance and
18 administration, public education department and higher
19 education department shall specifically account for those
20 expenses in Subsection E of this section in agency budgets,
21 local education agency budgets and institutions of higher
22 education budgets and account for the portion of the general
23 fund allotment using the federal Coronavirus Aid, Relief, and
24 Economic Security Act state relief fund instead."

25 SECTION 15. A new section of the General Appropriation

.217870.3

underscored material = new
[bracketed material] = delete

1 Act of 2020 is enacted to read:

2 "[NEW MATERIAL] TAX STABILIZATION RESERVE--TRANSFER.--

3 Pursuant to Subsection E of Section 6-4-2.2 NMSA 1978, money in
4 the tax stabilization reserve may be transferred as follows:

5 A. if, after accounting for all transfers to the
6 general fund authorized by the General Appropriation Act of
7 2020, including transfers from the general fund operating
8 reserve and the appropriation contingency fund, revenue and
9 transfers in the general fund at the end of fiscal year 2020
10 are insufficient to meet appropriations, the governor, with
11 state board of finance approval, may transfer to the
12 appropriation account of the general fund the amount necessary
13 to meet that fiscal year's obligations from the tax
14 stabilization reserve;

15 B. if, after accounting for all transfers to the
16 general fund authorized by the General Appropriation Act of
17 2020, including transfers from the general fund operating
18 reserve and the appropriation contingency fund, revenue and
19 transfers in the general fund at the end of fiscal year 2021
20 are insufficient to meet appropriations, the governor, with
21 state board of finance approval, may transfer to the
22 appropriation account of the general fund the amount necessary
23 to meet that fiscal year's obligations from the tax
24 stabilization reserve; provided that the total transferred
25 pursuant to this subsection shall not exceed _____ million

.217870.3

underscored material = new
[bracketed material] = delete

1 dollars (\$___,000,000); and

2 C. if the department of finance and administration
3 certifies to the state board of finance that a portion or all
4 of federal Coronavirus Aid, Relief, and Economic Security Act
5 funds cannot be used, as provided for in Subsection E of
6 Section 14 of this 2020 act, and if revenue and transfers to
7 the general fund at the end of fiscal year 2021 are
8 insufficient to meet appropriations, the governor, with the
9 approval of the state board of finance, may transfer to the
10 appropriation account of the general fund the amount necessary
11 to meet that fiscal year's obligations from the tax
12 stabilization reserve; provided that no more than seven hundred
13 fifty million dollars (\$750,000,000) shall be transferred; and
14 provided further that if any federal funds received by the
15 state may be used to fund appropriations and transfers made
16 pursuant to the General Appropriation Act of 2020 or this 2020
17 act, the transfer from the tax stabilization reserve made
18 pursuant to this subsection shall be reduced by that amount of
19 federal funds received."

20 SECTION 16. A new section of the General Appropriation
21 Act of 2020 is enacted to read:

22 "[NEW MATERIAL] TOBACCO SETTLEMENT PERMANENT FUND--
23 TRANSFER FOR THE MEDICAL ASSISTANCE PROGRAM.--Fifty percent of
24 the fiscal year 2021 distribution to the state pursuant to the
25 master settlement agreement entered into between tobacco

.217870.3

underscoring material = new
[bracketed material] = delete

1 product manufacturers and various states, including New Mexico,
2 and executed November 23, 1998, shall be distributed to the
3 tobacco settlement program fund; provided that this
4 distribution is in addition to the annual distribution from the
5 tobacco settlement permanent fund to the tobacco settlement
6 program fund."

7 SECTION 17. A new section of the General Appropriation
8 Act of 2020 is enacted to read:

9 "[NEW MATERIAL] DEPARTMENT OF FINANCE AND ADMINISTRATION--
10 AUTHORITY TO REQUIRE ADDITIONAL BUDGET DECREASES.--

11 A. During fiscal year 2021, the department of
12 finance and administration shall regularly consult with the
13 legislative finance committee staff to compare revenue
14 collections with the revenue estimate. If a general fund
15 consensus revenue forecast projects that revenues and transfers
16 to the general fund, including all transfers authorized
17 pursuant to this 2020 act, will be insufficient to meet general
18 fund appropriations for fiscal year 2021, general fund
19 allotments shall be reduced as follows in the amount necessary
20 to meet general fund appropriations for that fiscal year;
21 provided that no allotment shall be reduced by more than two
22 percent:

23 (1) the department of finance and
24 administration, after review and an opportunity to comment by
25 the legislative finance committee, shall reduce general fund

.217870.3

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

1 allotments to each agency, program and other recipient that
2 receives a general fund appropriation pursuant to Subsection C
3 of Section 4 of the General Appropriation Act of 2020; provided
4 that each agency shall be reduced by the same percentage;

5 (2) the administrative office of the courts
6 shall reduce general fund allotments to each judicial agency,
7 program and other recipient that receives a general fund
8 appropriation pursuant to Subsection B of Section 4 of the
9 General Appropriation Act of 2020; and

10 (3) the New Mexico legislative council shall
11 reduce general fund allotments to each legislative agency,
12 program and other recipient that receives a general fund
13 appropriation pursuant to Laws 2020, Chapter 1, Sections 3 and
14 5 through 8.

15 B. The department of finance and administration
16 shall provide guidance to each agency provided for in Paragraph
17 (1) of Subsection A of this section to assist the agency in
18 targeting program reductions that will minimize the impact of
19 the reductions on direct services provided by the agency.

20 C. As used in this section, "general fund consensus
21 revenue forecast" means the revenue estimates prepared by the
22 career economists of the department of finance and
23 administration, the taxation and revenue department, the
24 department of transportation and the legislative finance
25 committee."

.217870.3

underscored material = new
[bracketed material] = delete

1 SECTION 18. A new section of the General Appropriation
2 Act of 2020 is enacted to read:

3 "[NEW MATERIAL] OPERATING BUDGETS AND ALLOTMENTS REDUCED
4 TO COMPLY--OTHER REDUCTIONS TO CONFORM--OVER-ALLOTMENTS--
5 DEPARTMENT OF FINANCE AND ADMINISTRATION.--

6 A. The department of finance and administration
7 shall reduce fiscal year 2021 operating budgets and adjust
8 allotments to comply with the provisions of this 2020 act and
9 may reduce appropriations from other state funds, internal
10 service or interagency transfers and federal funds as necessary
11 to match the general fund reductions in the fiscal year 2021
12 operating budgets. The legislative finance committee shall
13 review the adjusted operating budgets no later than August 1,
14 2020.

15 B. If, in Sections 1 through 15 of this 2020 act, a
16 general fund appropriation or budget is reduced and funds in
17 excess of the amount of the reduced appropriation or budget
18 have already been allotted to the state agency receiving the
19 appropriation, the department of finance and administration may
20 reduce any other general fund allotment to the state agency in
21 order to recoup the over-allotment of the reduced appropriation
22 or budget. In the case of an appropriation made to one state
23 agency but disbursed or transferred to another state agency,
24 the department of finance and administration may reduce any
25 other general fund allotment to the agency to which the

.217870.3

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

1 appropriation was disbursed or transferred in order to recoup
2 the over-allotment of the reduced appropriation or budget. The
3 authority provided in this section is additional to any other
4 power the department of finance and administration has to
5 remedy over-allotments, and the grant of authority in this
6 section shall not be deemed to be a legislative determination
7 that the department of finance and administration does not
8 otherwise have the authority provided in this section.

9 C. As used in this section, "state agency" means
10 any department, institution, board, bureau, commission,
11 district or committee of the government of the state and means
12 every office or officer of any of the above."

13 SECTION 19. SPECIAL SESSION APPROPRIATION.--

14 A. The following amounts are appropriated from the
15 legislative cash balances for expenditure in fiscal year 2020
16 for the following expenses of the first special session of the
17 fifty-fourth legislature:

18 (1) for the expense of the house of
19 representatives, _____ dollars (\$____,000) to be disbursed
20 on vouchers signed by the speaker and the chief clerk of the
21 house of representatives or the chief clerk's designee;

22 (2) for the expense of the senate,
23 _____ dollars (\$____,000) to be disbursed on vouchers
24 signed by the chair of the committees' committee and the chief
25 clerk of the senate or the chief clerk's designee; and

.217870.3

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

1 (3) for the expense of the legislative council
2 service, _____ dollars (\$___,000) to be disbursed
3 on vouchers signed by the director of the legislative council
4 service or the director's designee to reimburse the department
5 of public safety for providing security and protection for the
6 legislature pursuant to Section 29-2-27 NMSA 1978.

7 B. Following adjournment of the first special
8 session of the fifty-fourth legislature, expenditures
9 authorized in this section shall be disbursed on vouchers
10 signed by the director of the legislative council service or
11 the director's designee.

12 **SECTION 20. TEMPORARY PROVISION--EXTEND CENSUS**
13 **APPROPRIATION--GENERAL APPROPRIATION ACT OF 2019.--**The time of
14 expenditure for the general fund appropriation to the
15 department of finance and administration for planning to
16 support local government complete count efforts and training
17 for the 2020 census in Item (37) of Section 5 of the General
18 Appropriation Act of 2019 is extended through fiscal year 2021.

19 **SECTION 21. TEMPORARY PROVISION--STATE EQUALIZATION**
20 **GUARANTEE DISTRIBUTION REVERSION--GENERAL APPROPRIATION ACT OF**
21 **2019.--**Any unexpended balances in the state equalization
22 guarantee distribution remaining at the end of fiscal year 2020
23 made from the general fund to Item (1) of Subsection K of
24 Section 4 of the General Appropriation Act of 2019 shall not
25 revert to the general fund but shall instead revert to the

.217870.3

underscoring material = new
[bracketed material] = delete

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

state-support reserve fund.

- 40 -

.217870.3