

1 HOUSE BILL 2
2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY
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10 AN ACT

11 MAKING GENERAL APPROPRIATIONS AND AUTHORIZING EXPENDITURES BY
12 STATE AGENCIES REQUIRED BY LAW.
13

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

15 SECTION 1. SHORT TITLE.--This act may be cited as the
16 "General Appropriation Act of 2021".

17 SECTION 2. DEFINITIONS.--As used in the General
18 Appropriation Act of 2021:

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

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

25 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 2021;

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 2021;

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 2021, or so much as may be necessary, are
15 appropriated from the indicated source for expenditure in
16 fiscal year 2022 for the objects expressed.

17 D. Unexpended balances in agency accounts remaining
18 at the end of fiscal year 2021 shall revert to the general fund
19 by October 1, 2021 unless otherwise indicated in the General
20 Appropriation Act of 2021 or otherwise provided by law.

21 E. Unexpended balances in agency accounts remaining
22 at the end of fiscal year 2022 shall revert to the general fund
23 by October 1, 2022 unless otherwise indicated in the General
24 Appropriation Act of 2021 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 2021, 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 2022. If
11 any other act of the first session of the fifty-fifth
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 2021 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. The department of finance and administration
20 will regularly consult with the legislative finance committee
21 staff to compare fiscal year 2022 revenue collections with the
22 revenue estimate if the analyses indicate that revenues and
23 transfers to the general fund are not expected to meet
24 appropriations, then the department shall present a plan to the
25 legislative finance committee that outlines the methods by

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1 which the administration proposes to address the deficit.

2 I. Pursuant to Sections 6-3-23 through 6-3-25 NMSA
3 1978, agencies whose revenue from state board of finance loans,
4 from revenue appropriated by other acts of the legislature, or
5 from gifts, grants, donations, bequests, insurance settlements,
6 refunds or payments into revolving funds exceeds specifically
7 appropriated amounts may request budget increases from the
8 state budget division. If approved by the state budget
9 division, such money is appropriated.

10 J. Except for gasoline credit cards used solely for
11 operation of official vehicles, telephone credit cards used
12 solely for official business and procurement cards used as
13 authorized by Section 6-5-9.1 NMSA 1978, none of the
14 appropriations contained in the General Appropriation Act of
15 2021 may be expended for payment of agency-issued credit card
16 invoices.

17 K. For the purpose of administering the General
18 Appropriation Act of 2021, the state of New Mexico shall follow
19 the modified accrual basis of accounting for governmental funds
20 in accordance with the manual of model accounting practices
21 issued by the department of finance and administration.

22 SECTION 4. FISCAL YEAR 2022 APPROPRIATIONS.--

23 A. LEGISLATIVE.--Twenty million nine hundred
24 ninety-nine thousand six hundred dollars (\$20,999,600) is
25 appropriated from the general fund to the legislative council

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1 service for allocation to legislative agencies in fiscal year
2 2022.

3 B. JUDICIAL.--Three hundred twenty-one million two
4 hundred forty-three thousand six hundred dollars (\$321,243,600)
5 from the general fund, twenty-three million six hundred
6 forty-eight thousand four hundred dollars (\$23,648,400) from
7 other state funds, fourteen million five thousand four hundred
8 dollars (\$14,005,400) from internal service funds/interagency
9 transfers and four million eight hundred twenty-one thousand
10 four hundred dollars (\$4,821,400) from federal funds is
11 appropriated to the administrative office of the courts for
12 allocation to judicial agencies in fiscal year 2022.

13 C. GENERAL CONTROL.--One hundred fifty-nine million
14 one hundred eighty-four thousand two hundred dollars
15 (\$159,184,200) from the general fund, one billion five hundred
16 eighty million five hundred twenty-six thousand eight hundred
17 dollars (\$1,580,526,800) from other state funds, one hundred
18 seven million seven hundred eighty-one thousand one hundred
19 dollars (\$107,781,100) from internal service funds/interagency
20 transfers and twenty-seven million three hundred seventy-four
21 thousand four hundred dollars (\$27,374,400) from federal funds
22 is appropriated to the department of finance and administration
23 for allocation to general control agencies in fiscal year 2022.

24 D. COMMERCE AND INDUSTRY.--Sixty-seven million four
25 hundred twenty-two thousand seven hundred dollars (\$67,422,700)

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1 from the general fund, one hundred sixty-four million
2 eighty-four thousand one hundred dollars (\$164,084,100) from
3 other state funds, twenty million six hundred eighty-nine
4 thousand eight hundred dollars (\$20,689,800) from internal
5 service funds/interagency transfers and seven hundred eighty
6 thousand dollars (\$780,000) from federal funds is appropriated
7 to the department of finance and administration for allocation
8 to commerce and industry agencies in fiscal year 2022.

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

10 Seventy-nine million five hundred ninety-five thousand dollars
11 (\$79,595,000) from the general fund, eighty-five million one
12 hundred fifty thousand two hundred dollars (\$85,150,200) from
13 other state funds, eighteen million nine hundred thousand five
14 hundred dollars (\$18,900,500) from internal service
15 funds/interagency transfers and forty-one million six hundred
16 fifteen thousand three hundred dollars (\$41,615,300) from
17 federal funds is appropriated to the department of finance and
18 administration for allocation to agriculture, energy and
19 natural resources agencies in fiscal year 2022.

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

21 billion nine hundred sixty-seven million one hundred forty-nine
22 thousand one hundred dollars (\$1,967,149,100) from the general
23 fund, three hundred million eight hundred twenty-three thousand
24 five hundred dollars (\$300,823,500) from other state funds,
25 four hundred ninety-eight million seven hundred thirty-six

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1 thousand two hundred dollars (\$498,736,200) from internal
2 service funds/interagency transfers and six billion seven
3 hundred fifty-seven million six hundred three thousand three
4 hundred dollars (\$6,757,603,300) from federal funds is
5 appropriated to the department of finance and administration
6 for allocation to health, hospitals and human services agencies
7 in fiscal year 2022.

8 G. PUBLIC SAFETY.--Four hundred seventy-six million
9 three hundred thirty-five thousand nine hundred dollars
10 (\$476,335,900) from the general fund, twenty-six million six
11 hundred thirty-three thousand one hundred dollars (\$26,633,100)
12 from other state funds, twenty-four million sixty thousand
13 dollars (\$24,060,000) from internal service funds/interagency
14 transfers and seventy-one million one hundred ninety-three
15 thousand two hundred dollars (\$71,193,200) from federal funds
16 is appropriated to the department of finance and administration
17 for allocation to public safety agencies in fiscal year 2022.

18 H. TRANSPORTATION.--Five hundred forty-seven
19 million nine hundred forty-four thousand dollars (\$547,944,000)
20 from other state funds, six million three hundred seventy-one
21 thousand nine hundred dollars (\$6,371,900) from internal
22 service funds/interagency transfers and four hundred four
23 million one hundred forty-five thousand four hundred dollars
24 (\$404,145,400) from federal funds is appropriated to the
25 department of finance and administration for allocation to

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1 transportation agencies in fiscal year 2022.

2 I. OTHER EDUCATION.--Forty-one million one hundred
3 ten thousand six hundred dollars (\$41,110,600) from the general
4 fund, ten million eight hundred seventy-nine thousand nine
5 hundred dollars (\$10,879,900) from other state funds, two
6 hundred forty-five thousand dollars (\$245,000) from internal
7 service funds/interagency transfers and thirty million six
8 hundred seventy-nine thousand nine hundred dollars
9 (\$30,679,900) from federal funds is appropriated to the
10 department of finance and administration for allocation to
11 other education agencies in fiscal year 2022.

12 J. HIGHER EDUCATION.--Eight hundred sixty-six
13 million nine hundred ninety thousand two hundred dollars
14 (\$866,990,200) from the general fund, six hundred seventy-two
15 thousand three hundred dollars (\$672,300) from other state
16 funds, fifty-two million nine hundred sixty-five thousand seven
17 hundred dollars (\$52,965,700) from internal service
18 funds/interagency transfers and ten million eight hundred
19 thousand dollars (\$10,800,000) from federal funds is
20 appropriated to the higher education department for expenditure
21 or allocation to higher education agencies in fiscal year 2022.

22 K. PUBLIC SCHOOL SUPPORT.--Three billion two
23 hundred ninety-eight million four hundred thirty-four thousand
24 six hundred dollars (\$3,298,434,600) from the general fund,
25 seven million dollars (\$7,000,000) from internal service

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1 funds/interagency transfers and four hundred eighty-six million
2 three hundred thousand dollars (\$486,300,000) from federal
3 funds is appropriated to the public education department for
4 expenditure or allocation to public school districts in fiscal
5 year 2022.

6 SECTION 5. FUND TRANSFERS.--Notwithstanding the
7 provisions of Sections 6-4-9 and 6-4-11 NMSA 1978 or other
8 substantive law, the department of finance and administration
9 shall transfer an amount from the tobacco settlement permanent
10 fund to the tobacco settlement program fund equal to the
11 difference between appropriations in Section 4 of the General
12 Appropriation Act of 2021 made from the tobacco settlement
13 program fund and the amount transferred to the tobacco
14 settlement program fund pursuant to Subsection B of Section
15 6-4-9 NMSA 1978 in fiscal year 2022 to fully fund
16 appropriations made from the tobacco settlement program fund
17 contained in Section 4 of the General Appropriation Act of
18 2021.

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