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HOUSE BILL 2

53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

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 2018".

SECTION 2. DEFINITIONS.--As used in the General
Appropriation Act of 2018:

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

B. "explanatory" means information that can help
users to understand reported performance measures and to
evaluate the significance of underlying factors that may have
affected the reported information;

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1 C. "federal funds" means any payments by the United
2 States government to state government or agencies except those
3 payments made in accordance with the federal Mineral Leasing
4 Act;

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

13 E. "interagency transfers" means revenue, other
14 than internal service funds, legally transferred from one
15 agency to another;

16 F. "internal service funds" means:

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

20 (2) balances in agency internal service fund
21 accounts appropriated by the General Appropriation Act of 2018;

22 G. "other state funds" means:

23 (1) nonreverting balances in agency accounts,
24 other than in internal service funds accounts, appropriated by
25 the General Appropriation Act of 2018;

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

4 (3) all revenue, the use of which is
5 restricted by statute or agreement; and

6 H. "revenue" means all money received by an agency
7 from sources external to that agency, net of refunds and other
8 correcting transactions, other than from issue of debt,
9 liquidation of investments or as agent or trustee for other
10 governmental entities or private persons.

11 **SECTION 3. GENERAL PROVISIONS.--**

12 A. Amounts set out under column headings are
13 expressed in thousands of dollars.

14 B. Amounts set out under column headings are
15 appropriated from the source indicated by the column heading.
16 All amounts set out under the column heading "Internal Service
17 Funds/Interagency Transfers" are intergovernmental transfers
18 and do not represent a portion of total state government
19 appropriations. All information designated as "Total" or
20 "Subtotal" is provided for information and amounts are not
21 appropriations.

22 C. Amounts set out in Section 4 of the General
23 Appropriation Act of 2018, or so much as may be necessary, are
24 appropriated from the indicated source for expenditure in
25 fiscal year 2019 for the objects expressed.

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1 D. Unexpended balances in agency accounts remaining
2 at the end of fiscal year 2018 shall revert to the general fund
3 by October 1, 2018 unless otherwise indicated in the General
4 Appropriation Act of 2018 or otherwise provided by law.

5 E. Unexpended balances in agency accounts remaining
6 at the end of fiscal year 2019 shall revert to the general fund
7 by October 1, 2019 unless otherwise indicated in the General
8 Appropriation Act of 2018 or otherwise provided by law.

9 F. The state budget division of the department of
10 finance and administration shall monitor revenue received by
11 agencies from sources other than the general fund and shall
12 reduce the operating budget of any agency whose revenue from
13 such sources is not meeting projections. The state budget
14 division shall notify the legislative finance committee of any
15 operating budget reduced pursuant to this subsection.

16 G. Except as otherwise specifically stated in the
17 General Appropriation Act of 2018, appropriations are made in
18 that act for the expenditures of agencies and for other
19 purposes as required by existing law for fiscal year 2019. If
20 any other act of the second session of the fifty-third
21 legislature changes existing law with regard to the name or
22 responsibilities of an agency or the name or purpose of a fund
23 or distribution, the appropriation made in the General
24 Appropriation Act of 2018 shall be transferred from the agency,
25 fund or distribution to which an appropriation had been made as

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1 required by existing law to the appropriate agency, fund or
2 distribution provided by the new law.

3 H. Pursuant to Sections 6-3-23 through 6-3-25 NMSA
4 1978, agencies whose revenue from state board of finance loans,
5 from revenue appropriated by other acts of the legislature,
6 from any Native American tribe, pueblo or political subdivision
7 pursuant to a contract, memorandum of understanding, or joint
8 powers agreement, or from gifts, grants, donations, bequests,
9 insurance settlements, refunds or payments into revolving funds
10 exceeds specifically appropriated amounts may request budget
11 increases from the state budget division. If approved by the
12 state budget division, such money is appropriated.

13 I. Except for gasoline credit cards used solely for
14 operation of official vehicles, telephone credit cards used
15 solely for official business and procurement cards used as
16 authorized by Section 6-5-9.1 NMSA 1978, none of the
17 appropriations contained in the General Appropriation Act of
18 2018 may be expended for payment of agency-issued credit card
19 invoices.

20 J. For the purpose of administering the General
21 Appropriation Act of 2018, the state of New Mexico shall follow
22 the modified accrual basis of accounting for governmental funds
23 in accordance with the manual of model accounting practices
24 issued by the department of finance and administration.

25 SECTION 4. FISCAL YEAR 2019 APPROPRIATIONS.--

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1 A. LEGISLATIVE.--Nineteen million eight hundred
2 eight thousand one hundred dollars (\$19,808,100) is
3 appropriated from the general fund to the legislative council
4 service for allocation to legislative agencies in fiscal year
5 2019.

6 B. JUDICIAL.--Two hundred eighty-six million
7 forty-four thousand one hundred dollars (\$286,044,100) from the
8 general fund, nineteen million three hundred twenty-six
9 thousand five hundred dollars (\$19,326,500) from other state
10 funds, ten million six hundred twenty-five thousand dollars
11 (\$10,625,000) from internal service funds/interagency transfers
12 and two million nine hundred fifty-five thousand dollars
13 (\$2,955,000) from federal funds is appropriated to the
14 administrative office of the courts for allocation to judicial
15 agencies in fiscal year 2019.

16 C. GENERAL CONTROL.--One hundred thirty million
17 four hundred thousand six hundred dollars (\$130,400,600) from
18 the general fund, one billion four hundred eighty-nine million
19 nine hundred eleven thousand four hundred dollars
20 (\$1,489,911,400) from other state funds, sixty-seven million
21 one hundred thirty-nine thousand four hundred dollars
22 (\$67,139,400) from internal service funds/interagency transfers
23 and fourteen million six hundred eighty-one thousand two
24 hundred dollars (\$14,681,200) from federal funds is
25 appropriated to the department of finance and administration

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1 for allocation to general control agencies in fiscal year 2019.

2 D. COMMERCE AND INDUSTRY.--Sixty-eight million one
3 hundred seventy-nine thousand nine hundred dollars
4 (\$68,179,900) from the general fund, fifty-nine million two
5 hundred twenty thousand three hundred dollars (\$59,220,300)
6 from other state funds, eighty-seven million one hundred
7 fifty-two thousand dollars (\$87,152,000) from internal service
8 funds/interagency transfers and one million eight hundred
9 eleven thousand nine hundred dollars (\$1,811,900) from federal
10 funds is appropriated to the department of finance and
11 administration for allocation to commerce and industry agencies
12 in fiscal year 2019.

13 E. AGRICULTURE, ENERGY AND NATURAL RESOURCES.--
14 Sixty-five million one hundred ninety-one thousand one hundred
15 dollars (\$65,191,100) from the general fund, seventy-one
16 million nine hundred seventy-four thousand four hundred dollars
17 (\$71,974,400) from other state funds, twenty-two million one
18 hundred twenty-one thousand nine hundred dollars (\$22,121,900)
19 from internal service funds/interagency transfers and thirty-
20 nine million eight hundred fifty-five thousand two hundred
21 dollars (\$39,855,200) from federal funds is appropriated to the
22 department of finance and administration for allocation to
23 agriculture, energy and natural resources agencies in fiscal
24 year 2019.

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

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1 billion seven hundred seventeen million two hundred forty-one
2 thousand nine hundred dollars (\$1,717,241,900) from the general
3 fund, two hundred seventy-one million eight hundred seventy-two
4 thousand three hundred dollars (\$271,872,300) from other state
5 funds, three hundred fifty-five million four hundred forty
6 thousand five hundred dollars (\$355,440,500) from internal
7 service funds/interagency transfers and six billion forty-three
8 million four hundred forty-six thousand two hundred dollars
9 (\$6,043,446,200) from federal funds is appropriated to the
10 department of finance and administration for allocation to
11 health, hospitals and human services agencies in fiscal year
12 2019.

13 G. PUBLIC SAFETY.--Four hundred fifty-five million
14 five thousand three hundred dollars (\$455,005,300) from the
15 general fund, thirty-five million five hundred seventy-three
16 thousand six hundred dollars (\$35,573,600) from other state
17 funds, eight million seven hundred sixty-seven thousand dollars
18 (\$8,767,000) from internal service funds/interagency transfers
19 and sixty million seven hundred ninety-eight thousand two
20 hundred dollars (\$60,798,200) from federal funds is
21 appropriated to the department of finance and administration
22 for allocation to public safety agencies in fiscal year 2019.

23 H. TRANSPORTATION.--Four hundred fifty-five
24 million nine hundred three thousand one hundred dollars
25 (\$455,903,100) from other state funds, three million six

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1 hundred thirteen thousand nine hundred dollars (\$3,613,900)
2 from internal service funds/interagency transfers and four
3 hundred one million two hundred fifty-two thousand dollars
4 (\$401,252,000) from federal funds is appropriated to the
5 department of finance and administration for allocation to
6 transportation agencies in fiscal year 2019.

7 I. OTHER EDUCATION.--One hundred ten million six
8 hundred forty thousand three hundred dollars (\$110,640,300)
9 from the general fund, nine million two hundred thousand four
10 hundred dollars (\$9,200,400) from other state funds, three
11 million five hundred forty-five thousand dollars (\$3,545,000)
12 from internal service funds/interagency transfers and twenty-
13 eight million seventy-five thousand one hundred dollars
14 (\$28,075,100) from federal funds is appropriated to the
15 department of finance and administration for allocation to
16 other education agencies in fiscal year 2019.

17 J. HIGHER EDUCATION.--Seven hundred eighty million
18 three hundred forty-five thousand one hundred dollars
19 (\$780,345,100) from the general fund, four hundred fifty-eight
20 thousand one hundred dollars (\$458,100) from other state funds,
21 forty-two million two hundred eighty-five thousand seven
22 hundred dollars (\$42,285,700) from internal service
23 funds/interagency transfers and nine million nine hundred
24 sixty-four thousand one hundred dollars (\$9,964,100) from
25 federal funds is appropriated to the higher education

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1 department for expenditure or allocation to higher education
2 agencies in fiscal year 2019.

3 K. PUBLIC SCHOOL SUPPORT.--Two billion six hundred
4 fifty-five million nine hundred ninety-eight thousand two
5 hundred dollars (\$2,655,998,200) from the general fund, twenty-
6 five million dollars (\$25,000,000) from other state funds and
7 four hundred forty-three million, four hundred seventy-nine
8 thousand two hundred dollars (\$443,479,200) from federal funds
9 is appropriated to the public education department for
10 expenditure or allocation to public school districts in fiscal
11 year 2019.

12 SECTION 5. FUND TRANSFERS.--Notwithstanding the
13 provisions of Sections 6-4-9 and 6-4-11 NMSA 1978 or other
14 substantive law, the department of finance and administration
15 shall transfer an amount from the tobacco settlement permanent
16 fund to the tobacco settlement program fund equal to the
17 difference between appropriations in Section 4 of the General
18 Appropriation Act of 2018 made from the tobacco settlement
19 program fund and the amount transferred to the tobacco
20 settlement program fund pursuant to Subsection B of Section
21 6-4-9 NMSA 1978 in fiscal year 2019 to fully fund
22 appropriations made from the tobacco settlement program fund
23 contained in Section 4 of the General Appropriation Act of
24 2018.

25 SECTION 6. SEVERABILITY.--If any part or application of

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1 this act is held invalid, the remainder or its application to
2 other situations or persons shall not be affected.

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