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HOUSE BILL 2

**50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012**

INTRODUCED BY

Henry 'Kiki' Saavedra

AN ACT

MAKING GENERAL APPROPRIATIONS AND AUTHORIZING EXPENDITURES BY  
STATE AGENCIES REQUIRED BY LAW; AMENDING THE GENERAL  
APPROPRIATION ACT OF 2011.

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 2012".

SECTION 2. DEFINITIONS.--As used in the General  
Appropriation Act of 2012:

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

B. "federal funds" means any payments by the United  
States government to state government or agencies except those  
payments made in accordance with the federal Mineral Lands

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1 Leasing Act;

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

10 D. "interagency transfers" means revenue, other  
11 than internal service funds, legally transferred from one  
12 agency to another;

13 E. "internal service funds" means:

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

17 (2) unreserved undesignated fund balances in  
18 agency internal service fund accounts appropriated by the  
19 General Appropriation Act of 2012;

20 F. "other state funds" means:

21 (1) unreserved undesignated fund balances in  
22 agency accounts, other than in internal service fund accounts,  
23 appropriated by the General Appropriation Act of 2012;

24 (2) all revenue available to agencies from  
25 sources other than the general fund, internal service funds,

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1 interagency transfers and federal funds; and

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

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

9 SECTION 3. GENERAL PROVISIONS.--

10 A. For fiscal year 2013, appropriations are made as  
11 set out in Section 4 of the General Appropriation Act of 2012  
12 from the general fund, internal service funds and interagency  
13 transfers or other state funds as indicated to state agencies  
14 named or for the purposes expressed, or so much thereof as may  
15 be necessary, within available revenue and unreserved  
16 undesignated fund balances.

17 B. Unreserved undesignated fund balances in agency  
18 accounts remaining at the end of fiscal year 2013 shall revert  
19 to the general fund by September 30, 2013 unless otherwise  
20 indicated in the General Appropriation Act of 2012 or otherwise  
21 provided by law.

22 C. The state budget division of the department of  
23 finance and administration shall monitor revenue received by  
24 agencies from sources other than the general fund and shall  
25 reduce the operating budget of any agency whose revenue from

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1 such sources is not meeting projections.

2 D. Except as otherwise specifically stated in the  
3 General Appropriation Act of 2012, appropriations are made in  
4 that act for the expenditures of agencies and for other  
5 purposes as required by existing law for fiscal year 2013. If  
6 any other act of the second session of the fiftieth legislature  
7 changes existing law with regard to the name or  
8 responsibilities of an agency or the name or purpose of a fund  
9 or distribution, the appropriation made in the General  
10 Appropriation Act of 2012 shall be transferred from the agency,  
11 fund or distribution to which an appropriation has been made as  
12 required by existing law to the appropriate agency, fund or  
13 distribution provided by the new law.

14 E. Pursuant to Sections 6-3-23 through 6-3-25 NMSA  
15 1978, the state budget division may approve increases in  
16 budgets for state agencies whose revenues from other state  
17 funds, internal service funds and interagency transfers exceed  
18 amounts specified in the General Appropriation Act of 2012. If  
19 approved by the state budget division, such increases in other  
20 state funds, internal service funds and interagency transfers  
21 are hereby appropriated.

22 F. For the purpose of administering the General  
23 Appropriation Act of 2012, the state shall follow the modified  
24 accrual basis of accounting for governmental funds in  
25 accordance with the manual of model accounting practices issued

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1 by the department of finance and administration.

2 G. When approving budgets based on appropriations  
3 in the General Appropriation Act of 2012, the state budget  
4 division is specifically authorized to approve budgets in  
5 accordance with generally accepted accounting principles, and  
6 the authority to extend the availability period of an  
7 appropriation through the use of an encumbrance shall follow  
8 the modified accrual basis of accounting for governmental funds  
9 in accordance with the manual of model accounting practices  
10 issued by the department of finance and administration.

11 H. Laws 2011, Chapter 179, Section 4 is repealed  
12 effective July 1, 2012.

13 SECTION 4. FISCAL YEAR 2012 APPROPRIATIONS.--

14 A. LEGISLATIVE.--Eighteen million three hundred  
15 ninety-one thousand six hundred dollars (\$18,391,600) is  
16 appropriated from the general fund to the legislative council  
17 service for allocation to legislative agencies in fiscal year  
18 2013.

19 B. JUDICIAL.--One hundred ninety-three million five  
20 hundred seventy-eight thousand five hundred dollars  
21 (\$193,578,500) from the general fund, twenty-three million  
22 twenty-five thousand eight hundred dollars (\$23,025,800) from  
23 other state funds, eight million six hundred forty-three  
24 thousand seven hundred dollars (\$8,643,700) from internal  
25 service funds/interagency transfers and two million two hundred

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1 seven thousand nine hundred dollars (\$2,207,900) from federal  
2 funds is appropriated to the administrative office of the  
3 courts for allocation to judicial agencies in fiscal year 2013.

4 C. GENERAL CONTROL.--One hundred fifty-nine million  
5 five hundred thirty-one thousand two hundred dollars  
6 (\$159,531,200) from the general fund, one billion two hundred  
7 eighty-four million two hundred eighty-three thousand five  
8 hundred dollars (\$1,284,283,500) from other state funds,  
9 twenty-four million thirty-five thousand eight hundred dollars  
10 (\$24,035,800) from internal service funds/interagency transfers  
11 and seventeen million seven hundred twenty-one thousand nine  
12 hundred dollars (\$17,721,900) from federal funds is  
13 appropriated to the department of finance and administration  
14 for allocation to general control agencies in fiscal year 2013.

15 D. COMMERCE AND INDUSTRY.--Forty-three million nine  
16 hundred sixty-five thousand six hundred dollars (\$43,965,600)  
17 from the general fund, fifty million five hundred eighty-one  
18 thousand one hundred dollars (\$50,581,100) from other state  
19 funds, thirty million four hundred forty-two thousand nine  
20 hundred dollars (\$30,442,900) from internal service  
21 funds/interagency transfers and six hundred twenty-six thousand  
22 nine hundred dollars (\$626,900) from federal funds is  
23 appropriated to the department of finance and administration  
24 for allocation to commerce and industry agencies in fiscal year  
25 2013.

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1                   E.   AGRICULTURE, ENERGY AND NATURAL  
2   RESOURCES.--Sixty-two million seven hundred fifteen thousand  
3   six hundred dollars (\$62,715,600) from the general fund,  
4   ninety-eight million forty-five thousand seven hundred dollars  
5   (\$98,045,700) from other state funds, twenty-five million  
6   eighty thousand three hundred dollars (\$25,080,300) from  
7   internal service funds/interagency transfers and thirty-two  
8   million one hundred dollars (\$32,000,100) from federal funds is  
9   appropriated to the department of finance and administration  
10  for allocation to agriculture, energy and natural resources  
11  agencies in fiscal year 2013.

12                   F.   HEALTH, HOSPITALS AND HUMAN SERVICES.--One  
13  billion five hundred eighty-five million five hundred  
14  fifty-five thousand two hundred dollars (\$1,585,555,200) from  
15  the general fund, three hundred sixty million three hundred  
16  thirty-one thousand nine hundred dollars (\$360,331,900) from  
17  other state funds, two hundred thirty-three million ninety-five  
18  thousand four hundred dollars (\$233,095,400) from internal  
19  service funds/interagency transfers and four billion one  
20  million five hundred fifty-six thousand three hundred dollars  
21  (\$4,001,556,300) from federal funds is appropriated to the  
22  department of finance and administration for allocation to  
23  health, hospitals and human services agencies in fiscal year  
24  2013.

25                   G.   PUBLIC SAFETY.--Three hundred sixty-eight

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1 million six hundred ninety-eight thousand seven hundred dollars  
2 (\$368,698,700) from the general fund, thirty-one million three  
3 hundred sixty-four thousand seven hundred dollars (\$31,364,700)  
4 from other state funds, fifteen million four hundred sixty-five  
5 thousand two hundred dollars (\$15,465,200) from internal  
6 service funds/interagency transfers and sixty-five million two  
7 hundred eighty-eight thousand two hundred dollars (\$65,288,200)  
8 from federal funds is appropriated to the department of finance  
9 and administration for allocation to public safety agencies in  
10 fiscal year 2013.

11 H. TRANSPORTATION.--Four hundred thirty-eight  
12 million nine hundred seventy-two thousand eight hundred dollars  
13 (\$438,972,800) from other state funds and four hundred three  
14 million six hundred one thousand two hundred dollars  
15 (\$403,601,200) from federal funds is appropriated to the  
16 department of finance and administration for allocation to  
17 transportation agencies in fiscal year 2013.

18 I. OTHER EDUCATION.--Fifty-nine million four  
19 hundred twenty-three thousand eight hundred dollars  
20 (\$59,423,800) from the general fund, nine million three hundred  
21 forty-six thousand six hundred dollars (\$9,346,600) from other  
22 state funds and twenty-seven million three thousand two hundred  
23 dollars (\$27,003,200) from federal funds is appropriated to the  
24 department of finance and administration for allocation to  
25 other education agencies in fiscal year 2013.

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