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HOUSE BILL 98

**55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022**

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 2022".

SECTION 2. DEFINITIONS.--As used in the General  
Appropriation Act of 2022:

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

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

C. "explanatory" means information that can help

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1 users to understand reported performance measures and to  
2 evaluate the significance of underlying factors that may have  
3 affected the reported information;

4 D. "federal funds" means any payments by the United  
5 States government to state government or agencies except those  
6 payments made in accordance with the federal Mineral Leasing  
7 Act;

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

16 F. "interagency transfers" means revenue, other  
17 than internal service funds, legally transferred from one  
18 agency to another;

19 G. "internal service funds" means:

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

23 (2) balances in agency internal service fund  
24 accounts appropriated by the General Appropriation Act of 2022;

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 2022;

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 2022, or so much as may be necessary, are  
15 appropriated from the indicated source for expenditure in  
16 fiscal year 2023 for the objects expressed.

17 D. Unexpended balances in agency accounts remaining  
18 at the end of fiscal year 2022 shall revert to the general fund  
19 by October 1, 2022 unless otherwise indicated in the General  
20 Appropriation Act of 2022 or otherwise provided by law.

21 E. Unexpended balances in agency accounts remaining  
22 at the end of fiscal year 2023 shall revert to the general fund  
23 by October 1, 2023 unless otherwise indicated in the General  
24 Appropriation Act of 2022 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 2022, 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 2023. If  
11 any other act of the second 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 2022 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 shall regularly consult with the legislative finance committee  
21 staff to compare fiscal year 2023 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, 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 2022 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 2022, 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 2023 APPROPRIATIONS.--

23 A. LEGISLATIVE.--Twenty-five million one hundred  
24 four thousand five hundred dollars (\$25,104,500) from the  
25 general fund and four hundred thousand dollars (\$400,000) from  
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1 other state funds is appropriated to the legislative council  
2 service for allocation to legislative agencies in fiscal year  
3 2023.

4 B. JUDICIAL.--Three hundred forty million four  
5 hundred ten thousand two hundred dollars (\$340,410,200) from  
6 the general fund, thirty-three million four hundred fifty-eight  
7 thousand six hundred dollars (\$33,458,600) from other state  
8 funds, fourteen million one hundred sixty-one thousand three  
9 hundred dollars (\$14,161,300) from internal service  
10 funds/interagency transfers and five million six hundred six  
11 thousand six hundred dollars (\$5,606,600) from federal funds is  
12 appropriated to the administrative office of the courts for  
13 allocation to judicial agencies in fiscal year 2023.

14 C. GENERAL CONTROL.--One hundred eighty-eight  
15 million five hundred fifty-three thousand four hundred dollars  
16 (\$188,553,400) from the general fund, one billion six hundred  
17 thirty-eight million five hundred twenty-four thousand five  
18 hundred dollars (\$1,638,524,500) from other state funds, one  
19 hundred eighteen million four hundred ninety-one thousand four  
20 hundred dollars (\$118,491,400) from internal services  
21 funds/interagency transfers and thirty-two million three  
22 hundred sixty-six thousand nine hundred dollars (\$32,366,900)  
23 from federal funds is appropriated to the department of finance  
24 and administration for allocation to general control agencies  
25 in fiscal year 2023.

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1           D. COMMERCE AND INDUSTRY.--Ninety-three million  
2 eight hundred sixty thousand eight hundred dollars  
3 (\$93,860,800) from the general fund, one hundred sixty-seven  
4 million one hundred seventy-six thousand seven hundred dollars  
5 (\$167,176,700) from other state funds, twenty-two million six  
6 hundred ninety-four thousand three hundred dollars  
7 (\$22,694,300) from internal service funds/interagency transfers  
8 and nine hundred twenty-four thousand six hundred dollars  
9 (\$924,600) from federal funds is appropriated to the department  
10 of finance and administration for allocation to commerce and  
11 industry agencies in fiscal year 2023.

12           E. AGRICULTURE, ENERGY AND NATURAL RESOURCES.--One  
13 hundred million seven hundred ninety-six thousand five hundred  
14 dollars (\$100,796,500) from the general fund, ninety million  
15 three hundred eighty thousand eight hundred dollars  
16 (\$90,380,800) from other state funds, thirteen million twenty-  
17 four thousand eight hundred dollars (\$13,024,800) from internal  
18 service funds/interagency transfers and forty-four million five  
19 hundred eighteen thousand one hundred dollars (\$44,518,100)  
20 from federal funds is appropriated to the department of finance  
21 and administration for allocation to agriculture, energy and  
22 natural resources agencies in fiscal year 2023.

23           F. HEALTH, HOSPITALS AND HUMAN SERVICES.--Two  
24 billion two hundred nineteen million five hundred ninety  
25 thousand dollars (\$2,219,590,000) from the general fund, three  
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1 hundred ninety-seven million seven hundred ten thousand six  
2 hundred dollars (\$397,710,600) from other state funds, four  
3 hundred ninety-four million eighteen thousand three hundred  
4 dollars (\$494,018,300) from internal service funds/interagency  
5 transfers and seven billion six hundred forty-five million  
6 eight hundred twenty-four thousand three hundred dollars  
7 (\$7,645,824,300) from federal funds is appropriated to the  
8 department of finance and administration for allocation to  
9 health, hospitals and human services agencies in fiscal year  
10 2023.

11 G. PUBLIC SAFETY.--Four hundred ninety-eight  
12 million seven hundred fifty-six thousand four hundred dollars  
13 (\$498,756,400) from the general fund, one hundred fifteen  
14 million six hundred sixty-two thousand five hundred dollars  
15 (\$115,662,500) from other state funds, twenty-two million nine  
16 hundred twenty-six thousand eight hundred dollars (\$22,926,800)  
17 from internal service funds/interagency transfers and sixty-  
18 nine million one hundred ninety-five thousand dollars  
19 (\$69,195,000) from federal funds is appropriated to the  
20 department of finance and administration for allocation to  
21 public safety agencies in fiscal year 2023.

22 H. TRANSPORTATION.--Six hundred five million eight  
23 hundred thirteen thousand dollars (\$605,813,000) from other  
24 state funds, eight million three hundred thousand dollars  
25 (\$8,300,000) from internal service funds/interagency transfers

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1 and four hundred thirty-seven million seventeen thousand seven  
2 hundred dollars (\$437,017,700) from federal funds is  
3 appropriated to the department of finance and administration  
4 for allocation to transportation agencies in fiscal year 2023.

5 I. OTHER EDUCATION.--Sixty-two million two hundred  
6 twenty-seven thousand nine hundred dollars (\$62,227,900) from  
7 the general fund, twenty-four million five hundred thirty-three  
8 thousand dollars (\$24,533,000) from other state funds, six  
9 million two hundred fifteen thousand two hundred dollars  
10 (\$6,215,200) from internal service funds/interagency transfers  
11 and thirty million eight hundred seven thousand four hundred  
12 dollars (\$30,807,400) from federal funds is appropriated to the  
13 department of finance and administration for allocation to  
14 other education agencies in fiscal year 2023.

15 J. HIGHER EDUCATION.--One billion ten million seven  
16 hundred eighty-six thousand nine hundred dollars  
17 (\$1,010,786,900) from the general fund, sixteen million eight  
18 hundred forty-three thousand six hundred dollars (\$16,843,600)  
19 from other state funds, forty-three million ninety-three  
20 thousand three hundred dollars (\$43,093,300) from internal  
21 service funds/interagency transfers and ten million four  
22 hundred ninety-two thousand seven hundred dollars (\$10,492,700)  
23 from federal funds is appropriated to the higher education  
24 department for expenditure or allocation to higher education  
25 agencies in fiscal year 2023.

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1           K. PUBLIC SCHOOL SUPPORT.--Three billion eight  
2 hundred three million nine hundred fifty-four thousand one  
3 hundred dollars (\$3,803,954,100) from the general fund, seven  
4 million dollars (\$7,000,000) from internal service  
5 funds/interagency transfers and four hundred eighty-six million  
6 three hundred thousand dollars (\$486,300,000) from federal  
7 funds is appropriated to the public education department for  
8 expenditure or allocation to public school districts and  
9 charter schools in fiscal year 2023.

10           SECTION 5. FUND TRANSFERS.--Notwithstanding the  
11 provisions of Sections 6-4-9 and 6-4-11 NMSA 1978 or other  
12 substantive law, the department of finance and administration  
13 shall transfer an amount from the tobacco settlement permanent  
14 fund to the tobacco settlement program fund equal to the  
15 difference between appropriations in Section 4 of the General  
16 Appropriation Act of 2022 made from the tobacco settlement  
17 program fund and the amount transferred to the tobacco  
18 settlement program fund pursuant to Subsection B of Section  
19 6-4-9 NMSA 1978 in fiscal year 2023 to fully fund  
20 appropriations made from the tobacco settlement program fund  
21 contained in Section 4 of the General Appropriation Act of  
22 2022.

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

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