

1 SENATE BILL 158

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 George K. Muñoz

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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 2023".

17 SECTION 2. DEFINITIONS.--As used in the General
18 Appropriation Act of 2023:

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 cost-
22 reimbursement basis; and

23 (2) balances in agency internal service fund
24 accounts appropriated by the General Appropriation Act of 2023;

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 2023;

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 2023, or so much as may be necessary, are
15 appropriated from the indicated source for expenditure in
16 fiscal year 2024 for the objects expressed.

17 D. Unexpended balances in agency accounts remaining
18 at the end of fiscal year 2023 shall revert to the general fund
19 by October 1, 2023 unless otherwise indicated in the General
20 Appropriation Act of 2023 or otherwise provided by law.

21 E. Unexpended balances in agency accounts remaining
22 at the end of fiscal year 2024 shall revert to the general fund
23 by October 1, 2024 unless otherwise indicated in the General
24 Appropriation Act of 2023 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 2023, 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 2024. If
11 any other act of the first session of the fifty-sixth
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 2023 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 2024 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 2023 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 2023, 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 2024 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 2024.

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 2024.

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 2024.

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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 2024.

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 2024.

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 2024.

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 2024.

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 2024.

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 2024.

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 2024.

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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 2024.

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 2023 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 2024 to fully fund
20 appropriations made from the tobacco settlement program fund
21 contained in Section 4 of the General Appropriation Act of
22 2023.

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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