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FISCAL IMPACT REPORT

	ORIGINAL DATE	02/23/13	
SPONSOR <u>SFC</u>	LAST UPDATED	03/15/13	HB _____
SHORT TITLE <u>Change Board & Commission Sunset Dates</u>			SB <u>CS/163 & CS/174/ aSFI#1/aHBIC</u>
	ANALYST	<u>Weber</u>	

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		NFI				

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Regulation and Licensing Department (RLD)

Energy Minerals and Natural Resources Department (EMNRD)

SUMMARY

Synopsis of HBIC Amendment

The House Business and Industry Committee amendment to the Senate Finance Committee substitute for Senate Bill 163 and the Senate Public Affairs Committee substitute for Senate Bill 174 changes the effective dates for the sunset of the water quality control commission. The amendments change the termination of the water quality control commission to July 1, 2014 from July 1, 2019 in the previous version of the bill. The amendments also changes the water quality control commission's wind-down time from July 1, 2020 to July 1, 2015.

Synopsis of SFI #1 Amendment

The Senate Floor #1 amendment makes the following changes:

1. On page 1, line 11, after "CHANGING", insert "AND REPEALING".
2. On page 3, lines 6 through 14, strike Section 7 in its entirety.
3. Renumber the succeeding sections accordingly.

4. On page 4, between lines 14 and 15, insert the following new section:

"SECTION 10. REPEAL.--Section 61-34-17 NMSA 1978 (being Laws 2007, Chapter 248, Section 17) is repealed."

Section 7 is the Signed language Interpreting Board which will not be extended.

The new Section 10 repeals the Signed Language Interpreting Practices Act consistent with Section 7.

Synopsis of Original Bill

The Senate Finance Committee substitute for Senate Bill 163 and the Senate Public Affairs Committee substitute for Senate Bill 174 extends the sunset dates for 7 boards and commissions from July 1, 2013 to July 1 2019. Each will continue operating until July 1, 2020.

The seven are:

1. The Board of Nursing Home Administrators,
2. The Board of Barbers and Cosmetologist,
3. The Board of Landscape Architects,
4. The Signed Language Interpreting Practice Board
5. The Coal Surface Mining Commission
6. The Water Quality Control Commission
7. The Animal sheltering Board

The Water Quality Control Commission was not included and voted on by the Legislative Finance Committee (LFC) Sunset Committee so there is a question if it can be extended. However, it does not technically terminate until July 1, 2014 leaving one more year for the extension to take place.

FISCAL IMPLICATIONS

There are no identified fiscal implications.

SIGNIFICANT ISSUES

The RLD contributes that the LFC Sunset Subcommittee hearing recommended the extension of the sunset dates for these entities attached to that Department.

All of these boards have a significant impact on the health and safety of the people of New Mexico. The purpose of these boards is to protect the public health, safety and welfare of the public and to provide for control, supervision, licensure and regulation of the practice of these professions.

The EMNRD contributes that pursuant to the federal Surface Mining Control and Reclamation Act, 30 U.S.C. §§ 1201 et seq. ("SMCRA") the federal government assumed regulatory authority over all coal mining in the United States. Under SMCRA, a state with a regulatory coal program that has been approved by the Office of Surface Mining Reclamation and Enforcement ("OSM") may enter into a cooperative agreement with the United States and assume primary responsibility for regulating coal mining within that state's borders.

Pursuant to the New Mexico Surface Mining Act, Chapter 69, Article 25A NMSA 1978 (“NM Act”), the CSMC was established in 1979 and the CSMC adopted regulations that were approved by OSM. In 1982 New Mexico and the United States entered into a cooperative agreement, and New Mexico has since been regulating coal mining within its borders, pursuant to the NM Act and CSMC regulations. The CSMC continues the necessary function of adopting and filing regulations as are required to implement the NM Act, to ensure that New Mexico’s coal program remains in compliance with SMCRA, to update standards and to address changes in federal or state law.

New Mexico has several large coal mines that produce over 20 million tons of coal a year and that employ over 1500 people. In 2011, coal was the most valuable mineral commodity in New Mexico with a production value of nearly 800 million dollars.

MW/blm:svb