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FISCAL IMPACT REPORT

SPONSOR: Taylor, JG DATE TYPED: 02/20/01 HB 594
 SHORT TITLE: NM Activities Association Appeals Process SB _____
 ANALYST: Gilbert

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
			\$ 50.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files
 State Department of Education (SDE)

SUMMARY

Synopsis of Bill

House Bill 594 specifies that the New Mexico Activities Association (NMAA) is subject to the authority of the State Board of Education (SBE) and provides an appeals process for decisions of the NMAA.

Significant Issues

Subsection A of Section 2 of the bill specifies that the NMAA is subject to the authority of the SBE. The SBE shall approve or disapprove all rules proposed by the NMAA. The SBE may also approve or disapprove rules or by-laws for the NMAA's internal organization. The NMAA is required to comply with the provisions of the Open Meetings Act, the State Rules Act and the Public Records Act.

Subsection B of Section 2 provides that a person may appeal a decision of the executive director of the NMAA to the NMAA board. A person may further appeal a decision of the NMAA board to the SBE. Appeals shall be de novo. The State Board is required to promulgate rules for how an appeal may be taken and provide for an expedited appeal process. The NMAA may not appeal a decision of the SBE.

FISCAL IMPLICATIONS

The requirement in HB594 that appeals to the SBE be de novo could have a substantial fiscal and administrative impact on the State Department of Education (SDE). Under this requirement the case would have to be heard anew before the SBE each time there is an appeal. According to the SDE, the additional work created by implementing this bill could require up to one additional FTE with a fiscal impact of approximately \$50.0.

OTHER SUBSTANTIVE ISSUES

According to the SDE, a record review currently exists in SBE regulations and provides appellants with a thorough and fair review process.

LG/ar