

## Government Restructuring Task Force

There are several technical considerations when discussing reorganization:

- ★ Reorganizations will be happening at the beginning of a new governor's term; that is likely to mean new secretaries, new administrative services division (ASD) directors, new directors of other divisions — some or all of whom may know very little about the actual functioning of state government. Line staff may or may not know how to combine their functions with others.

- ★ Simple reorganizations, e.g., internal departmental reorganizations or moving a division here or there, can probably be done by July 1, 2011 if the governor indicates her approval of the reorganization and the affected departments can begin work immediately.

- ★ Anything beyond simple reorganization, or several of them, will require time. This being a long session, the legislature should assume that any reorganization bill will not pass before the end of the session, which is March 19. The governor has until April 8 to act (although, if the governor has indicated she supports the measures, staffs can begin meeting to figure out how to design the reorganizations before bills are signed). It may take several months to reorganize efficiently, thus delaying the effective date of the reorganizations until late fall or later. July 1, 2012 may be the best date for full implementation — and it gives the legislature the opportunity in the 2012 session to appropriate correctly for the next fiscal year. Otherwise, January 1, 2012 is likely the best early date because it is half-way through the fiscal year.

- ★ While a delayed date works technically, there may be a problem with having the governor and secretaries agreeing to just a one or one and one-half year appointment for cabinet secretaries, agency heads, division directors and other affected exempt positions.

- ★ One approach to a more seamless reorganization is to provide for technical teams to assist the departments and agencies to meld not only their functions, but such things as SHARE and IT systems.

- ★ The 1977 reorganization had a delayed effective date of one year, and a legislative committee was created to follow the reorganization efforts and snafus.

### **Other Notes for Efficiency in Government**

- \* The property control division should inventory all executive leases and locations throughout the state to streamline state office space.

- \* The state personnel office should perform desk audits of state positions to look for those that are not necessary; how workload is distributed; and whether managers actually manage a reasonable number of people. If it is true that there has been "job inflation" over the last several years, positions should be reclassified downwards.

NB: administrative attachment assumes that all administrative/clerical functions will be provided by the parent agency.

## General Government Reorganization

**Department of Finance and Administration (DFA)** *(if expand, would eliminate one cabinet department; take major functions away from two other cabinet departments).*

### Current Structure:

- ▶ office of the secretary;
- ▶ administrative services division;
- ▶ state budget division;
- ▶ board of finance division;
- ▶ education accountability, office of;
- ▶ financial control division; and
- ▶ local government division (LGD) *(move capital outlay and service part to community services department (CSD) if that department is created).*

### Options:

- \* Move GSD functions to DFA, at least:
  - ▶ property control division (move building services as bureau of PCD); and
  - ▶ state purchasing division (attach statutory procurement committees).
  
- \* Move state personnel to DFA:
  - ▶ state personnel division — *(make director a classified position confirmed by senate with job qualifications?)*.
  
- \* Create educational finance oversight from higher education department (HED) and public education department (PED):
  - ▶ educational finance division *(constitutional amendment for PED)*.
  
- \* Move LGD **out** of DFA to CSD.
  
- \* Create an agency administration structure, either as a full division or as a bureau of ASD (provide administrative services for small agencies (yet to be defined)) **(this option unnecessary if task force chooses the CSD option)**:
  - ▶ agency administration division.

### Administratively Attached Agencies:

- state board of finance;
- acequia commission — **move to CSD**;
- governor's commission on disability, which has a disabilities advisory committee — **move to department of health (DOH)**;
- New Mexico health policy commission, which has the health care providers licensing and credentialing task force — **move into DOH**;
- land grant council — **move to CSD**;
- state advisory committee of citizen substitute care review boards — **move to DOH or somewhere else**; and
- attached to LGD: civil legal services commission; New Mexico community development council; DWI grant council — **move all to CSD**.

\***Add to list:** personnel board; governor's residence advisory commission; procurement committees (all from GSD).

**Community Services Department (CSD) — POSSIBLE NEW DEPARTMENT** (*would eliminate two cabinet departments (net one); eliminate two offices and one (or more) commissions; and take two major divisions from other departments*) (.182862).

**Department Structure:**

- ▶ office of the secretary;
- ▶ administrative services division;
- ▶ African American division (could be bureau under human rights division);
- ▶ human rights division (*from workforce solutions*);
- ▶ Indian affairs division (*cabinet department*) (could be bureau under human rights division; should include the creation of the "tribal liaison" in the governor's office as the high-level person to interact with Indian nations, tribes and pueblos and coordinate state agency relations with Indian nations, tribes and pueblos);
  - ▶ local government division (*from DFA*), which includes the following bureaus:
    - acequia and land grant assistance bureau;
    - local government budget bureau; and
    - capital outlay bureau;
  - ▶ veteran affairs division (*cabinet department*) (could be bureau under human rights division; there is a fiduciary responsibility function to be performed); and
  - ▶ women's affairs division (staff of commission on status of women; could be bureau under human rights division or repealed):
    - displaced homemakers; and
    - women's health.

**Administratively Attached Agencies:**

- acequia commission;
- commission for the blind (could be repealed in favor of blind division or bureau of HRD);
- civil legal services commission (could be repealed in favor of division or bureau of ASD);
- community development council;
- crime stoppers advisory council;
- Cumbres and Toltec scenic railroad commission;
- commission for deaf and hard-of-hearing persons (could be repealed in favor of division or bureau of HRD);
- DWI grant council;
- Indian affairs commission;
- human rights commission (decision-making arm of human rights division); and
- land grant council.

**(Repeals:** Martin Luther King, Jr. commission — give its duties to African American affairs division; commission on status of women; Indian affairs department; veterans' services department; and New Mexico veterans' advisory board).

**General Services Department (*eliminates one cabinet department*):**

\* Eliminate in favor of mergers with other departments or privatization:

- administrative services division — eliminate;
- state purchasing division — move to DFA;
- property control division — move to DFA;
- building services division — move to DFA;
- risk management division — move to DFA or make part of a public insurance agency;
- state transportation division (including vehicles and airplanes and surplus property) — move to DFA or NMDOT;
- state printing division — move to DFA.

**Economic Development and Tourism Department (.182824):**

**(as proposed in GRTF discussion draft — one concern is whether the department is too flat organizationally; see questions in discussion draft) (*consolidates two cabinet departments, two commissions and one authority and eliminates science and technology, Mexican affairs and sports authority divisions of economic development department and one board*):**

- ▶ office of the secretary;
- ▶ administrative services division;
- ▶ economic development division, which includes:
  - economic research and analysis bureau (*from workforce solutions*); and
  - international trade bureau (*would combine duties of international trade, Mexican affairs and border authority duties*);
- ▶ film division (*could be a bureau of economic development division*);
- ▶ tourism development division, which includes:
  - New Mexico Magazine bureau; and
  - welcome centers bureau; and
- ▶ workforce training division (*from workforce solutions and the state and regional workforce development boards*) (*federal mandate for boards, should stay in workforce solutions department?*).

**Administratively Attached Agencies:**

- economic development and tourism commission;
- New Mexico-Chihuahua commission;
- New Mexico-Sonora commission;
- spaceport authority;
- state fair commission (*this may need to remain separate because of debt provisions of constitution; or law could be changed so state fair cannot have debt*); and
- state workforce development board.

**Repeals:** Fort Stanton development commission; economic development department; tourism department; intertribal ceremonial office; small business regulatory advisory commission; New Mexico film museum and board; border authority; and bicycle racing commission.

**Further repeals suggested:** governor's council on film and media industries; New Mexico-Sonora commission.

**Department of Public Safety (DPS):**

**Current Structure:**

- ▶ office of the secretary;
- ▶ administrative services division;
- ▶ information technology division; [*why not a bureau of ASD?*]
- ▶ motor transportation division;
- ▶ special investigations division;
- ▶ training and recruiting division (law enforcement academy);
- ▶ technical support division; and
- ▶ New Mexico state police division.

**Options:**

- \* Return homeland security to DPS:
  - ▶ homeland security and emergency management division.
- \* Move fire marshal/fire academy from public regulation commission to DPS:
  - ▶ state fire marshal, including fire academy.
- \* Move E-911 from DFA (all in .182722).
  
- \* Question of whether to move motor transportation out of DPS, possibly to NMDOT.

**Energy and Environment Department (.182878):**

- \* Merge energy, minerals and natural resources department (EMNRD) and department of environment (NMED).
  
- \* Do merger, and include department of game and fish; state game commission repealed.

**Other Options:**

- \* Create **Environment and Natural Lands Management Department**, including:
  - office of the secretary;
  - administrative services division;
  - all of department of environment;
  - forestry division and state parks division of EMNRD;
  - energy conservation and management division of EMNRD:
    - state alternative fuel program manager;
  - state engineer;
  - interstate stream commission staff; and
  - game and fish.

**Administratively Attached Agencies:**

- environmental improvement board;
- state game commission [*or repeal?*];
- New Mexico youth conservation corps;

- interstate stream commission;
- natural lands protection committee;
- radiation technical advisory council [*advises EIB re: licensing*];
- state parks advisory board;
- storage tank committee;
- tree planting advisory committee [*advises about systems*];
- wastewater technical advisory committee; and
- water quality control commission.

\* Combine with creation of **Extractive Industries Department:**

- office of the secretary;
- administrative services division;
- oil conservation division;
- mining and minerals division;
- (could include the state mine inspector, who used to be in EMNRD, now is at

New Mexico institute of mining and technology; mining safety board would be administratively attached, if so); and

- natural gas division.

**Administratively Attached Agencies:**

- oil conservation commission; and
- mining commission (combining coal surface mining commission).

\* Hearing office — as adjunct or administratively attached agency or division in another agency?

\* Move attorneys to the attorney general's office (AGO) or leave attorneys in agencies for routine matters and refer "major" (define) issues to AGO (staff is still researching issues).

**Public Regulation Commission (PRC):**

**Current Structure:**

- ▶ administrative services division;
- ▶ consumer relations division;
- ▶ insurance division;
- ▶ legal division;
- ▶ transportation division;
- ▶ utility division; and
- ▶ fire marshal division.

**Options:**

\* Move fire marshal division to DPS (does not require constitutional amendment).

\* Amend constitution to eliminate PRC as a constitutional body and provide that regulation of corporations, utilities, transportation, transmission and pipeline companies, insurance and other business shall be as provided by law (.182745A.1). This will allow the legislature to re-create

the PRC or any successor agencies as appointed bodies or agencies (e.g., legislature might decide to return to the old public service commission as a model for utility regulation, with appointed full-time salaried commissioners; and an appointed corporations agency; or perhaps move corporations to the secretary of state, which also takes filings related to corporations, or vice versa; transportation could go with motor transportation, wherever it ends up; pipelines could go to energy department; transmission lines could go with utilities; several permutations available to the legislative committee created in the bill to determine structure). The companion bill (.182745B.1) provides the mechanism for carrying out the constitutional amendment — a legislative committee with an advisory panel similar to the one that put together the PRC. Note the contingency and delayed effective dates.

**Other Measures, Not Departmental, Already Looked At:**

- \* Repeal intertribal ceremonial office and board (.182720).
- \* Repeal juvenile public safety advisory board (.182721).
- \* Combine mining and coal surface mining commissions (.182729).
- \* Amend Executive Reorganization Act to require departments to provide administrative services to administratively attached agencies (.182713).
- \* Limit exempt positions (.182712).

## **Health and Human Services Reorganizations**

All departments have field offices — how many are co-located with other departments?

\* Consolidate DOH, human services department (HSD), children, youth and families department (CYFD) and aging and long-term services department (ALTSD) into a health and human services department.

\* With this consolidation, move medicaid funding somewhere else?

### **Health and Human Services Department (*eliminates four cabinet departments (net three) and health policy commission; perhaps other boards and commissions*):**

- ▶ office of the secretary (*would have to make statutory exception for four deputies*):
  - deputy secretary for administration and finance;
  - deputy secretary for health;
  - deputy secretary for children, youth and families;
  - deputy secretary for aging and long-term services;
  - office of vital records and health statistics; and
  - health policy and planning; and
- ▶ office of the inspector general.

#### ***Deputy for administration and finance:***

- ▶ ASD;
- ▶ information technology division, which includes services for all networks and systems with a long-term goal to make a unitary system or at least make all systems compatible;
- ▶ medical assistance division (*unless medicaid funding goes to authority or other*); and
- ▶ scientific laboratory division.

#### ***Deputy for aging and long-term services:***

- ▶ aging and long-term care division, which includes:
  - aging network services bureau;
  - consumer and elder rights bureau; and
  - long-term care bureau, including ombudsman;
- ▶ behavioral health division (*if medicaid funding moves, could this be combined with developmental disability (DD) division?*); and
- ▶ DD division.

#### ***Deputy for children, youth and families:***

- ▶ child and income support division, which includes (*or this might go with administration and finance*):
  - child support enforcement bureau; and
  - income support bureau;
- ▶ early childhood services, which include:
  - office of child development;
  - family nutrition bureau; and
  - child care services bureau, which includes licensing;

- ▶ juvenile justice division, including facilities and probation/parole field offices; and
- ▶ protective services division, which includes both adult and child.

***Deputy for health:***

- ▶ health institutions division, which includes:
  - behavioral health institute;
  - Sequoyah adolescent treatment center;
  - Turquoise lodge; and
  - New Mexico rehabilitation center; and
- ▶ public health division, which includes:
  - border health;
  - epidemiology;
  - emergency medical services;
  - health promotion and community health improvement; and
  - school health.

**Administratively Attached Agencies:**

- compulsive gambling council (*can it move to gaming control?*);
- governor's HIV and AIDS policy commission (*can it go to university of New Mexico (UNM) health sciences center?*);
- New Mexico telehealth commission (*can it go to UNM health sciences center?*);
- trauma system fund authority (*can it go to UNM health sciences center?*); and
- many health-related boards and commissions.

**Below are the current structures of the departments:**

**Department of Health:**

- ▶ office of the secretary;
- ▶ administrative services division;
- ▶ vital records and health statistics bureau;
- ▶ health improvement division;
- ▶ information technology services; [*why not bureau of ASD?*]
- ▶ New Mexico behavioral health institute;
- ▶ developmental disabilities supports division;
- ▶ rehabilitation centers;
- ▶ public health division:
  - office of border health;
  - office of health promotion and community health improvement; and
  - school health office;
- ▶ scientific laboratory division;
- ▶ Sequoyah adolescent treatment center; and
- ▶ Turquoise lodge.

\* Move health policy commission functions back to DOH.

\* Move all disability programs (DDPC, governor's committee on disability, etc., into department or as administratively attached agencies).

**Administratively Attached Agencies:**

- compulsive gambling council (*can it go to gaming control?*);
- governor's HIV and AIDS policy commission (*can it go to UNM health sciences center?*);
- telehealth commission (*can it go to UNM health sciences center?*); and
- trauma system fund authority (*can it go to UNM health sciences center?*).

**Human Services Department:**

- ▶ office of the secretary;
- ▶ administrative services division;
- ▶ office of inspector general;
- ▶ office of human resources;
- ▶ behavioral health services division;
- ▶ child support enforcement division;
- ▶ income support division;
- ▶ medical assistance division; and
- ▶ information technology division.

**Administratively Attached Agencies** — *move to CSD if created or require HSD or DFA to provide administrative services:*

- office of African American affairs; and
- commission on the status of women.

**Children, Youth and Families Department:**

- ▶ office of the secretary;
- ▶ administrative services division;
- ▶ information technology division;
- ▶ juvenile justice division, including facilities and probation/parole field offices (?);
- ▶ youth and families services division;
- ▶ early childhood services division;
  - office of child development;
  - family nutrition bureau;
  - child care services;
  - child care assistance; and
  - child care licensing; and
- ▶ protective services division.

**Aging and Long-Term Services Department:**

- ▶ office of the secretary;
- ▶ administrative services division;
- ▶ adult protective services division;
- ▶ consumer and elder rights division;

- ▶ aging network services division; and
- ▶ long-term care division.

## Education-Related Reorganizations

### **Public Education Department:**

**Current Structure [reminder to department: pursuant to Executive Reorganization Act, the heads of divisions are "directors" not "assistant secretaries"]:**

- ▶ office of the secretary;
- ▶ administrative services division;
- ▶ quality assurance and systems integration division;
- ▶ information technology division; [*why not bureau of ASD?*]
- ▶ assessment and accountability division;
- ▶ educator quality division;
- ▶ charter schools division;
- ▶ Indian education division;
- ▶ Hispanic education division;
- ▶ rural education division;
- ▶ vocational rehabilitation division (which has one director and three deputy directors);
- ▶ finance and operations (division?);
- ▶ program support and student transportation division; and
- ▶ instructional support and vocational education division.

### **Higher Education Department:**

#### **Current Structure:**

- ▶ office of the secretary;
- ▶ administrative services division;
- ▶ planning and research division;
- ▶ financial aid division;
- ▶ public information and communications division;
- ▶ adult basic education division;
- ▶ information technology division; [*why not bureau of ASD?*]
- ▶ private and proprietary schools division;
- ▶ public schools liaison division [*why a division?*]; and
- ▶ American Indian post-secondary education division.

#### **Options:**

\* Merge PED and HED — requires a constitutional amendment in 2012 (special election not considered because of cost) (.182821A.1) (bill not drafted; waiting for decision).

\* Move all financial responsibilities of PED and HED to DFA — requires a constitutional amendment in 2012 (special election not considered because of cost) to move PED; could move HED financial functions earlier (waiting for decision before drafting).

\* Will the task force vote to eliminate any campuses? If not, does it want to limit the creation of new ones? Statute and department rule are inconsistent, and the department (and predecessor) have allowed many new campuses that legislature then has to fund. See discussion draft .182613.

- \* Should the higher education funding formula be in statute like the public school formula?

**Other Options:**

- \* .182821A.1 constitutional amendment that provides for an appointed PED and duties of PED as provided by law.

- \* .182821B.1 constitutional amendment that returns control of public education to an elected state school board.

**Redistricting** — this seemed to be left at ways to encourage or force consolidation by limiting small school and small district size adjustments. See discussion draft .182817. See map. Determining minimum size is difficult; need further direction.

**Charter School Moratorium**

**Teacher Evaluation and Pay for Performance**