INVENTORY
OF
STATUTORY EXECUTIVE
BOARDS AND COMMISSIONS

LEGISLATIVE COUNCIL SERVICE
2026 Update

LEGISLATIVE COUNCIL SERVICE
INVENTORY OF STATUTORY
EXECUTIVE BOARDS AND COMMISSIONS

This publication was first created in response to Senate Joint Memorial 46 of the 1995 legislative session, which expressed the legislature's concern over the proliferation of boards and commissions in the executive branch. The Legislative Council Service continues to maintain the inventory as a basic research and information tool for the legislature, the executive and the general public. Readers are strongly encouraged to review the law for specific and more complete information about a particular board or commission. The original purpose of the inventory was to provide information to the legislature about the cost and possible duplication of executive boards and commissions; cost information is no longer compiled, as it becomes outdated too quickly.

Historical Perspective

Prior to 1977, New Mexico had an extremely diffuse executive that included not only several elected officials, but numerous independent boards and commissions. Opponents of a diffuse executive argue that it dilutes the governor's ability to manage; compromises the legislature's appropriation process; and hinders the public's access to accountable, efficient and effective government. The legislature's and the governor's abilities to demand direct and immediate accountability by state employees also may be particularly curtailed when boards made up of citizens determine policy.

The 1977 reorganization of the executive branch was driven in no small part by the proliferation of executive boards, commissions, councils, committees and agencies that muddled lines of authority, diminished the programmatic effect of appropriations, wasted tax dollars, inhibited public access and contravened accountability. That reorganization instituted a cabinet-style executive organization, with most governmental functions assigned to cabinet departments. Most independent boards, commissions and agencies were subsumed under departments that were under the control of cabinet secretaries who were appointed by the governor with the advice and consent of the senate.

However, it was not very long before the state was again faced with a burgeoning executive bureaucracy. In response, the legislature passed Senate Joint Memorial 46 of the 1995 legislature. That memorial requested the New Mexico Legislative Council to name an interim committee to study the consolidation, merger or elimination of executive branch boards and commissions. Believing that basic research was needed before an interim committee could proceed, the New Mexico Legislative Council assigned the Legislative Council Service the task of compiling information on advisory, administratively attached and adjunct boards, commissions, committees, councils and similarly constructed agencies of state government.

Criteria for Inclusion in Inventory

The inventory includes executive boards, commissions, committees and councils that are administratively attached to cabinet departments or that are adjunct or otherwise not under the direct control of the governor, as well as constitutionally created bodies such as the boards of regents, the Public Regulation Commission, the Public Education Commission and the State Transportation Commission. It also includes advisory boards and committees provided for by statute.

Inventory Design

The inventory is divided into subject categories as follows:

- agriculture;
- commerce and industry, which includes economic development and labor;
- cultural affairs;
- education, higher;
- education, other;
- education, public;
- environment and natural resources;
- general government;
- health and human services;
- instrumentalities;
- military affairs;
- professional and occupational boards and commissions;
- public safety and criminal justice;
- sports; and
- transportation.

For each organization, the inventory provides:

(1) the statutory reference, if applicable;

(2) organizational status, if provided in statute;

(3) whether it is a policy or advisory organization;

(4) whether the legislature has provided rulemaking authority;

(5) whether the organization is required by federal statute, rule or grant;

(6) whether senate confirmation is required;

(7) whether and when the organization sunsets;

(8) funding sources for the organization;

(9) membership, if applicable, and length of terms, appointing authority and other information relative to the body;

(10) the powers and duties of the organization, though the list is not intended to be exhaustive;

(11) whether research can identify duplication, similarity or connections with other governmental entities; and

(12) other pertinent information.

Terms

Advisory means the entity gives advice only and cannot directly affect the operation of state government or a program of state government.

Policy means the entity has been given substantive powers and duties by the legislature and it can direct the operations of a state agency or state program.

Regulatory authority means the legislature has granted the power to adopt rules.

Federal mandate means a federal law, rule or grant program requires the existence of the entity.

No direct appropriation means the organization is not identified in the general appropriation act.

2026 Update

In the 2026 update, there are changes to reflect recent legislation, five deletions, nine additions and updated sunset information. Please note that there are other changes to existing boards and commissions pertaining to funding and powers and duties that are not practical to summarize here. Please note, too, that the names of departments, divisions, bureaus, associations, organizations, etc., that appear in this inventory reflect what is written in statute and in some cases might be out of date. Whenever possible, the most current information available at the time of this update has been added in brackets.

Deletions:

- *Carlsbad Brine Well Remediation Authority;*
- *Detention and Corrections Workforce Capacity Building Fund Committee;*
- *Interagency Behavioral Health Purchasing Collaborative;*
- *Law Enforcement Workforce Capacity Building Fund Committee; and*
- *Public Attorney Workforce Capacity Building Fund Committee*

Additions:

- *Behavioral Health Executive Committee;*
- *Doula Credentialing Advisory Council;*
- *Medical Psilocybin Advisory Board;*
- *State Child Advocate Selection Committee;*
- *State Fairgrounds District Board;*
- *State Wildlife Commission Nominating Committee;*
- *Strategic Economic Development Site Advisory Committee;*
- *Technology and Innovation Network Advisory Board; and*
- *Trade Ports Advisory Committee*

Updates:

- *State Game Commission changed to State Wildlife Commission*

Elected Officers of the Executive Branch

Governor
Lieutenant Governor
Secretary of State
Attorney General
Commissioner of Public Lands
State Treasurer
State Auditor
Public Education Commission

Cabinet Departments

There are 24 departments created pursuant to the Executive Reorganization Act that make up the executive cabinet headed by the governor and consisting of the lieutenant governor and the secretaries of the cabinet-level departments.

The cabinet:

(1) advises the governor on problems of state government;

(2) establishes a liaison and provides communication between the executive departments and state elected officials;

(3) investigates problems of public policy;

(4) studies government performance and recommends methods of interagency cooperation;

(5) reviews policy problems and recommends solutions;

(6) strives to minimize and eliminate overlapping jurisdictions and conflicts within the executive branch; and

(7) assists the governor in defining policies and programs to make the government responsive to the needs of the people.

The departments are:

(1) Aging and Long-Term Services Department;

(2) Agriculture, New Mexico Department of (constitutional, under control of the Board of Regents of New Mexico State University);

(3) Children, Youth and Families Department;

(4) Corrections Department;

(5) Cultural Affairs Department;

(6) Early Childhood Education and Care Department;

(7) Economic Development Department;

(8) Energy, Minerals and Natural Resources Department;

(9) Environment, Department of;

(10) Finance and Administration, Department of;

(11) General Services Department;

(12) Health, Department of;

(13) Health Care Authority (formerly the Human Services Department);

(14) Higher Education Department;

(15) Homeland Security and Emergency Management Department;

(16) Indian Affairs Department;

(17) Information Technology, Department of;

(18) Public Education Department (constitutional);

(19) Public Safety, Department of;

(20) Taxation and Revenue Department;

(21) Tourism Department;

(22) Transportation, Department of;

(23) Veterans' Services Department; and

(24) Workforce Solutions Department.

There are three other departments that are not cabinet departments: Department of Wildlife (formerly the Department of Game and Fish; carries out policy directives of the State Wildlife Commission; administratively attached to the Energy, Minerals and Natural Resources Department); Department of Military Affairs; and Regulation and Licensing Department.

Boards of Regents

Although appointed by the governor, boards of regents of constitutionally created schools have absolute control over their institutions. Members serve six-year terms and may only be removed for incompetence, neglect of duty or malfeasance in office. The New Mexico Supreme Court has exclusive original jurisdiction over proceedings to remove members.

Colleges: Northern New Mexico State School (2005 law changed the school's name for convenience to Northern New Mexico College) and New Mexico Military Institute.

Special Schools: New Mexico School for the Deaf and New Mexico School for the Blind and Visually Impaired.

Universities: Eastern New Mexico University, New Mexico Highlands University, New Mexico Institute of Mining and Technology, New Mexico State University, University of New Mexico and Western New Mexico University.

Other State Institutions

Control of state institutions is provided by law.

- Penitentiary of New Mexico — governor (Corrections Department)
- Miners' Hospital — board of trustees appointed by governor, confirmed by senate
- New Mexico State Hospital — governor (Department of Health; 2005 name change for convenience to New Mexico Behavioral Health Institute at Las Vegas)

- New Mexico Boys' School — governor (Children, Youth and Families Department)
- The Girls' Welfare Home — governor (Children, Youth and Families Department)
- Carrie Tingley Crippled Children's Hospital — Board of Regents of the University of New Mexico
- Los Lunas Mental Hospital — governor (Department of Health; facility closed)

Other Boards, Commissions, Committees, Councils and Task Forces

Each cabinet department has statutory authority to create advisory committees, which are usually ad hoc committees. The federal government also requires departments or the governor to create boards, commissions, committees or councils for federal aid purposes, e.g., the State Rehabilitation Council (vocational rehabilitation) and the Statewide Independent Living Council are required pursuant to the federal Rehabilitation Act of 1973; the Recreational Trails Advisory Board is part of the federal Recreational Trails Program of the U.S. Department of Transportation; the Early Childhood Education and Care Council is required pursuant to the federal Head Start Act; and the Historical Records Advisory Board is a mandate of the National Historical Publications and Records Commission.

Table of Contents

Agriculture 1
- Acequia Commission 1
- Beef Council, New Mexico 2
- Chile Commission, New Mexico
- Dry Onion Commission, New Mexico
- Peanut Research Board 3
- Fair Commission, State 4
- Livestock Board, New Mexico 6
- Rangeland Protection Advisory Committee 8
- Sheep and Goat Council, New Mexico 9

Commerce and Industry 11
- Apprenticeship and Training Advisory Committee 11
- Apprenticeship Committees 12
- Apprenticeship Council 13
- Bioscience Authority, New Mexico 14
- Border Authority 16
- Cannabis Regulatory Advisory Committee 18
- Community Development Council, New Mexico 19
- Construction Industries Commission 21
- Economic Development Commission 23
- Film and Media Industries, Governor's Council on 24
- Industrial Training Board 25
- Labor and Industrial Commission 26
- Manufactured Housing Committee 27
- New Mexico-Chihuahua Commission 28
- New Mexico-Sonora Commission 29
- Occupational Health and Safety Review Commission 30
- Occupational Health and Safety Special Committees 31
- Opportunity Enterprise and Housing Development Review Board 32
- Outdoor Recreation Advisory Committee 34
- Skills Council 35
- Small Business Regulatory Advisory Commission 36
- Spaceport Authority 37
- State Fairgrounds District Board 39
- Strategic Economic Development Site Advisory Committee 41
- Sustainable Economy Advisory Council 43
- Technology and Innovation Network Advisory Board 44
- Tourism Commission 46
- Trade Ports Advisory Committee 47
- Unemployment Compensation Board of Review 49
- Unemployment Compensation State Advisory Council
- and Other Industry and Special Councils 50

Work and Save Board, New Mexico 51
Workers' Compensation and Occupational Disease Disablement, Advisory Council on 53
Workforce Development Board, State 54

Cultural Affairs 56
African American Performing Arts Advisory Committee 56
Arts Commission, New Mexico 57
Cultural Properties Review Committee 58
Farm and Ranch Heritage Museum, Board of the 60
Film Museum, Board of Trustees of the New Mexico 62
Fort Stanton Development Commission 63
Hispanic Cultural Center, Board of Directors of the National 64
Intertribal Indian Ceremonial Association Board 66
Library Commission, New Mexico State 67
Martin Luther King, Jr. Commission 68
Museum Board of Regents 69
Music Commission 71
Natural History and Science, Board of Trustees of the New Mexico Museum of 72
Semiquincentennial Commission 73
Space History Commission, New Mexico Museum of 74

Education, Higher 75
Community Governance Attorney Commission 75
Education, State Commission on Post-Secondary 76
Education Trust Board 77
Graduate Medical Education Expansion Review Board 79
Higher Education Advisory Board 80
Public Service Law Advisory Committee 81
Regents for State Educational Institutions, Boards of 82

Education, Other 84
Carlos Vigil Memorial Board 84

Education, Public 85
Bilingual Multicultural Education Advisory Council 85
Black Education Advisory Council 86
Data System Council 87
Family and Youth Resource Advisory Committee 88
Hispanic Education Advisory Council 89
Indian Education Advisory Council 90
Mathematics and Science Advisory Council 91
Military Children Education Compact State Council 92
Public Education Commission 93
Public School Capital Outlay Council 95

Public School Insurance Authority, Board of Directors of the 97
Regional Education Coordinating Councils 98
Technology in Education, Council on 99

Environment and Natural Resources 100
Clean and Beautiful Advisory Committee, New Mexico 100
Coal Surface Mining Commission 101
Emergency Response Commission, State 102
Environmental Improvement Board 103
Fire Planning Task Force 105
Forest and Watershed Advisory Board 106
Hazardous Materials Safety Board 107
Interstate Natural Gas Markets, Technical Advisory Committee to the Office of 108
Interstate Stream Commission 109
Mining Commission 111
Mining Safety Board 112
Natural Lands Protection Committee 113
Oil Conservation Commission 114
Parks Advisory Board, State 115
Radiation Technical Advisory Council 116
Radioactive Waste Consultation Task Force 117
Rio Grande Trail Commission 118
Soil and Water Conservation Commission 120
State Land Trusts Advisory Board 122
Storage Tank Committee 123
Tree Planting Advisory Committee 124
Wastewater Technical Advisory Committee 125
Water Quality Control Commission 126
Water Trust Board 128
Wildlife Commission Nominating Committee, State 130
Wildlife Commission, State 132
Youth Conservation Corps Commission, New Mexico 135

General Government 137
Alternative Dispute Prevention and Resolution Advisory Council 137
Architect, Engineer, Landscape Architect and Surveyor Selection Committee 138
Canvassing Board, State 139
Capitol Buildings Planning Commission 140
Chief Hearing Officer Selection Committee 141
Child Advocate Selection Committee, State 142
Citizen Redistricting Committee 143
Civil Legal Services Commission 145
Connect New Mexico Council 146
Construction Management and Surveyor Selection Committee 148
Cybersecurity Advisory Committee 149
Disabilities, New Mexico Council for Purchasing from Persons with 151

Educational Retirement Board....153
Ethics Commission, State....154
Finance, State Board of....156
Gaming Control Board....158
Governor's Residence Advisory Commission....160
Group Benefits Committee....161
Indian Affairs Commission....162
Information Technology Rate Committee....163
Insurance Nominating Committee....164
Interagency Pharmaceuticals Purchasing Council....165
Investment Council, State....166
Land Grant Council....168
Main Street Revolving Loan Committee....170
Personnel Board....171
Procurement Standards and Specifications Committee, State....172
Public Employee Labor Relations Board....173
Public Employees Retirement Board....175
Public Records, State Commission of....177
Public Regulation Commission....178
Public Regulation Commission Nominating Committee....180
Retiree Health Care Authority, Board of the....182
Risk Management Advisory Board....183
Voting System Certification Committee....184

Health and Human Services....186
Adolescent Treatment Hospital Governing Board....186
Adult Offender Supervision, State Council for Interstate....187
Adult Support and Services Task Force, Statewide....188
Aging, Advisory Committee to the State Agency on....189
Air Transport Advisory Committee....190
Behavioral Health Executive Committee....191
Behavioral Health Planning Council....192
Blind, Commission for the....194
Brain Injury Advisory Council....196
Child Support Guidelines Review Commission....198
Children, Youth and Families Advisory Committee....199
Children's Cabinet....200
Children's Trust Fund Board of Trustees....202
Colonias Infrastructure Board....203
Compulsive Gambling Council....204
Deaf and Hard-of-Hearing Persons, Commission for....205
Developmental Disabilities Council....207
Disability, Advisory Council on....210
Disability, Governor's Commission on....211
Doula Credentialing Advisory Council....213
DWI Grant Council....214

Emergency Medical Services Advisory Committee, Statewide 215
Emergency Medical Services Licensing Commission....216
Family Infant Toddler Interagency Coordinating Council 217
Family Representation and Advocacy Commission 218
Food Service Sanitation Advisory Council....220
Fostering Connections Advisory Committee....221
Health Care Providers Licensing and Credentialing Task Force....222
Health Policy Commission, New Mexico....223
HIV and AIDS Policy Commission, Governor's 225
Hospital-Acquired Infection Advisory Committee....226
Human Rights Commission 227
Individual Development Account Council 228
Joint Organization on Education Committee....229
Juvenile Supervision, State Council for Interstate....230
Long-Term Care, Interagency Committee on....231
Maternal Mortality Review Committee....232
Medical Advisory Committee....234
Medical Direction Committee....235
Medical Investigators, Board of....236
Medical Psilocybin Advisory Board....237
Medical Use of Cannabis Advisory Board 238
Miners' Hospital of New Mexico, Board of Trustees of the....239
Next Generation Council 240
Overdose Prevention and Pain Management Advisory Council....241
Patient Qualification Review Board 242
Patient's Compensation Fund Advisory Board 243
Prescription Drug Importation Advisory Committee 244
Primary Care Council 245
Substitute Care Advisory Council 247
Telehealth and Health Information Technology Commission, New Mexico 249
Trauma Advisory Committee 250
Trauma System Fund Authority....251
Tribal Infrastructure Board 252
Veterans' Home Advisory Board, New Mexico 254
Women, Commission on the Status of....255
Women's Health, Office of the Governor's Council on 256
Youth Alliance 257

Instrumentalities....258
Exposition Center Authority, New Mexico 258
Finance Authority, New Mexico....260
Historic Landscape Trust, Board of Trustees of the 263
Hospital Equipment Loan Council, New Mexico....264
Industrial and Agricultural Finance Authority, New Mexico....266
Lottery Authority, New Mexico 267
Mortgage Finance Authority, New Mexico....269

Renewable Energy Transmission Authority, New Mexico 272

Military Affairs 274
Armory Board, State 274
Armory Board Council 275
Awards Boards 276
Military Base Planning Commission 277
Veterans Museum, Board of Trustees of the New Mexico 278

Professional and Occupational Boards and Commissions 279
Acupuncture and Oriental Medicine, Board of 279
Animal Sheltering Committee 281
Architects, Board of Examiners for 282
Athletic Trainer Practice Board 284
Barbers and Cosmetologists, Board of 285
Body Art Practitioners, Board of 286
Chiropractic Board 287
Counseling and Therapy Practice Board 288
Crane Operators Licensure Examining Council 289
Dental Health Care, New Mexico Board of 290
Dental Hygienists Committee, New Mexico 292
Engineers and Professional Surveyors, State Board of Licensure for Professional 294
Funeral Services, Board of 296
Home Inspectors Board, New Mexico 297
Landscape Architects, Board of 298
Massage Therapy Board 299
Medical Board, New Mexico 300
Medical Imaging and Radiation Therapy Advisory Council 302
Nursing, Board of 303
Nursing Home Administrators, Board of 305
Nutrition and Dietetics Practice Board 306
Occupational Therapy, Board of Examiners for 307
Optometry, Board of 308
Pharmacy, Board of 309
Physical Therapy Board 313
Podiatry Advisory Committee 314
Polysomnography Practice Advisory Committee 315
Private Investigations Advisory Board 317
Psychologist Examiners, New Mexico State Board of 318
Public Accountancy Board, New Mexico 319
Real Estate Appraisers Board 320
Real Estate Commission, New Mexico 323
Respiratory Care Practitioners, Advisory Board of 324
Signed Language Interpreting Practices Board 325
Social Work Examiners, Board of 326

Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Board 328
Veterinary Medicine, Board of 330

Public Safety and Criminal Justice 331
Alcohol Server Education Advisory Committee 331
Automobile Theft Prevention Authority 332
Community Corrections Advisory Panel (Adult) 333
Community Corrections Advisory Panel (Juvenile) 334
Corrections Industries Commission 335
Crime Stoppers Advisory Council 337
Crime Victims Reparation Commission 338
DNA Identification System Oversight Committee 340
Domestic Violence Homicide Review Team 341
Domestic Violence Leadership Commission, New Mexico 343
Fire Protection Grant Council 345
Fire Services Council 346
Firefighters' Survivors Supplemental Death Benefits Review Committee 347
Interoperability Planning Commission 348
Intrastate Mutual Aid Committee 349
Juvenile Justice Advisory Committee 350
Juvenile Public Safety Advisory Board 351
Law Enforcement Certification Board 353
Law Enforcement Standards and Training Council, New Mexico 355
Mounted Patrol Board of Directors, New Mexico 357
Organized Crime Prevention Commission, Governor's 358
Parole Board, Adult 360
Peace Officers', New Mexico Mounted Patrol Members' and Reserve Police Officers' Survivors Supplemental Death Benefits Review Committee 362
Public Defender Commission 363
Public Health and Safety Advisory Committee 364
Public Safety Advisory Commission 365
Search and Rescue Review Board, State 366
Sentencing Commission, New Mexico 367
Sex Offender Management Board, New Mexico 369

Sports 371
Athletic Commission, New Mexico 371
Bicycle Racing Commission 372
Medical Advisory Board 373
Racing Commission, State 374
Sports Advisory Committee 376

Transportation 377
Cumbres and Toltec Scenic Railroad Commission 377
Health Standards Advisory Board 378

Highway Selection Committee 379
Off-Highway Motor Vehicle Advisory Board 380
Traffic Safety Bureau Advisory Committee 381
Transportation Commission, State 382

Alphabetical List

Acequia Commission 1
Acupuncture and Oriental Medicine, Board of 279
Adolescent Treatment Hospital Governing Board 186
Adult Offender Supervision, State Council for Interstate 187
Adult Support and Services Task Force, Statewide 188
African American Performing Arts Advisory Committee 56
Aging, Advisory Committee to the State Agency on 189
Agriculture 1
Air Transport Advisory Committee 190
Alcohol Server Education Advisory Committee 331
Alternative Dispute Prevention and Resolution Advisory Council 137
Animal Sheltering Committee 281
Apprenticeship and Training Advisory Committee 11
Apprenticeship Committees 12
Apprenticeship Council 13
Architect, Engineer, Landscape Architect and Surveyor Selection Committee 138
Architects, Board of Examiners for 282
Armory Board, State 274
Armory Board Council 275
Arts Commission, New Mexico 57
Athletic Commission, New Mexico 371
Athletic Trainer Practice Board 284
Automobile Theft Prevention Authority 332
Awards Boards 276
Barbers and Cosmetologists, Board of 285
Beef Council, New Mexico 2
Behavioral Health Executive Committee 191
Behavioral Health Planning Council 192
Bicycle Racing Commission 372
Bilingual Multicultural Education Advisory Council 85
Bioscience Authority, New Mexico 14
Black Education Advisory Council 86
Blind, Commission for the 194
Body Art Practitioners, Board of 286
Border Authority 16
Brain Injury Advisory Council 196
Cannabis Regulatory Advisory Committee 18
Canvassing Board, State 139
Capitol Buildings Planning Commission 140
Carlos Vigil Memorial Board 84
Chief Hearing Officer Selection Committee 141
Child Advocate Selection Committee, State 142
Child Support Guidelines Review Commission 198
Children, Youth and Families Advisory Committee 199
Children's Cabinet 200
Children's Trust Fund Board of Trustees 202

Chile Commission, New Mexico
Dry Onion Commission, New Mexico
Peanut Research Board 3
Chiropractic Board 287
Citizen Redistricting Committee 143
Civil Legal Services Commission 145
Clean and Beautiful Advisory Committee, New Mexico 100
Coal Surface Mining Commission 101
Colonias Infrastructure Board 203
Commerce and Industry 11
Community Corrections Advisory Panel (Adult) 333
Community Corrections Advisory Panel (Juvenile) 334
Community Development Council, New Mexico 19
Community Governance Attorney Commission 75
Compulsive Gambling Council 204
Connect New Mexico Council 146
Construction Industries Commission 21
Construction Management and Surveyor Selection Committee 148
Corrections Industries Commission 335
Counseling and Therapy Practice Board 288
Crane Operators Licensure Examining Council 289
Crime Stoppers Advisory Council 337
Crime Victims Reparation Commission 338
Cultural Affairs 56
Cultural Properties Review Committee 58
Cumbres and Toltec Scenic Railroad Commission 377
Cybersecurity Advisory Committee 149
Data System Council 87
Deaf and Hard-of-Hearing Persons, Commission for 205
Dental Health Care, New Mexico Board of 290
Dental Hygienists Committee, New Mexico 292
Developmental Disabilities Council 207
Disabilities, New Mexico Council for Purchasing from Persons with 151
Disability, Advisory Council on 210
Disability, Governor's Commission on 211
DNA Identification System Oversight Committee 340
Domestic Violence Homicide Review Team 341
Domestic Violence Leadership Commission, New Mexico 343
Doula Credentialing Advisory Council 213
DWI Grant Council 214
Economic Development Commission 23
Education, Higher 75
Education, Other 84
Education, Public 85
Education, State Commission on Post-Secondary 76
Education Trust Board 77
Educational Retirement Board 153
Emergency Medical Services Advisory Committee, Statewide 215

Emergency Medical Services Licensing Commission..... 216
Emergency Response Commission, State 102
Engineers and Professional Surveyors, State Board of Licensure for Professional 294
Environment and Natural Resources 100
Environmental Improvement Board 103
Exposition Center Authority, New Mexico 258
Ethics Commission, State 154
Fair Commission, State 4
Family and Youth Resource Advisory Committee 88
Family Infant Toddler Interagency Coordinating Council 217
Family Representation and Advocacy Commission.....218
Farm and Ranch Heritage Museum, Board of the 60
Film and Media Industries, Governor's Council on 24
Film Museum, Board of Trustees of the New Mexico 62
Finance, State Board of.....156
Finance Authority, New Mexico.....260
Fire Planning Task Force 105
Fire Protection Grant Council.....345
Fire Services Council.....346
Firefighters' Survivors Supplemental Death Benefits Review Committee.....347
Food Service Sanitation Advisory Council.....220
Forest and Watershed Advisory Board.....106
Fort Stanton Development Commission 63
Fostering Connections Advisory Committee.....221
Funeral Services, Board of 296
Gaming Control Board.....158
General Government 137
Governor's Residence Advisory Commission 160
Graduate Medical Education Expansion Review Board.....79
Group Benefits Committee 161
Hazardous Materials Safety Board 107
Health and Human Services.....186
Health Care Providers Licensing and Credentialing Task Force.....222
Health Policy Commission, New Mexico.....223
Health Standards Advisory Board 378
Higher Education Advisory Board 80
Highway Selection Committee 379
Hispanic Cultural Center, Board of Directors of the National 64
Hispanic Education Advisory Council 89
Historic Landscape Trust, Board of Trustees of the 263
HIV and AIDS Policy Commission, Governor's 225
Home Inspectors Board, New Mexico.....297
Hospital-Acquired Infection Advisory Committee.....226
Hospital Equipment Loan Council, New Mexico.....264
Human Rights Commission 227
Indian Affairs Commission.....162
Indian Education Advisory Council 90
Individual Development Account Council 228

Industrial and Agricultural Finance Authority, New Mexico 266
Industrial Training Board 25
Information Technology Rate Committee 163
Insurance Nominating Committee 164
Instrumentalities 258
Interagency Pharmaceuticals Purchasing Council 165
Interoperability Planning Commission 348
Interstate Natural Gas Markets, Technical Advisory Committee to the Office of 108
Interstate Stream Commission 109
Intertribal Indian Ceremonial Association Board 66
Intrastate Mutual Aid Committee 349
Investment Council, State 166
Joint Organization on Education Committee 229
Juvenile Justice Advisory Committee 350
Juvenile Public Safety Advisory Board 351
Juvenile Supervision, State Council for Interstate 230
Labor and Industrial Commission 26
Land Grant Council 168
Landscape Architects, Board of 298
Law Enforcement Certification Board 353
Law Enforcement Standards and Training Council, New Mexico 355
Library Commission, New Mexico State 67
Livestock Board, New Mexico 6
Long-Term Care, Interagency Committee on 231
Lottery Authority, New Mexico 267
Main Street Revolving Loan Committee 170
Manufactured Housing Committee 27
Martin Luther King, Jr. Commission 68
Massage Therapy Board 299
Maternal Mortality Review Committee 232
Mathematics and Science Advisory Council 91
Medical Advisory Board 373
Medical Advisory Committee 234
Medical Board, New Mexico 300
Medical Direction Committee 235
Medical Imaging and Radiation Therapy Advisory Council 302
Medical Investigators, Board of 236
Medical Psilocybin Advisory Board 237
Medical Use of Cannabis Advisory Board 238
Military Affairs 274
Military Base Planning Commission 277
Military Children Education Compact State Council 92
Miners' Hospital of New Mexico, Board of Trustees of the 239
Mining Commission 111
Mining Safety Board 112
Mortgage Finance Authority, New Mexico 269
Mounted Patrol Board of Directors, New Mexico 357
Museum Board of Regents 69

Music Commission 71
Natural History and Science, Board of Trustees of the New Mexico Museum of 72
Natural Lands Protection Committee 113
New Mexico-Chihuahua Commission 28
New Mexico-Sonora Commission 29
Next Generation Council 240
Nursing, Board of....303
Nursing Home Administrators, Board of....305
Nutrition and Dietetics Practice Board 306
Occupational Health and Safety Review Commission 30
Occupational Health and Safety Special Committees 31
Occupational Therapy, Board of Examiners for 307
Off-Highway Motor Vehicle Advisory Board 380
Oil Conservation Commission 114
Opportunity Enterprise and Housing Development Review Board....32
Optometry, Board of 308
Organized Crime Prevention Commission, Governor's....358
Outdoor Recreation Advisory Committee 34
Overdose Prevention and Pain Management Advisory Council....241
Parks Advisory Board, State 115
Parole Board, Adult 360
Patient Qualification Review Board 242
Patient's Compensation Fund Advisory Board 243
Peace Officers', New Mexico Mounted Patrol Members' and Reserve Police Officers' Survivors Supplemental Death Benefits Review Committee 362
Personnel Board 171
Pharmacy, Board of 309
Physical Therapy Board 313
Podiatry Advisory Committee 314
Polysomnography Practice Advisory Committee 315
Prescription Drug Importation Advisory Committee 244
Primary Care Council 245
Private Investigations Advisory Board 317
Procurement Standards and Specifications Committee, State 172
Professional and Occupational Boards and Commissions 279
Psychologist Examiners, New Mexico State Board of 318
Public Accountancy Board, New Mexico....319
Public Defender Commission 363
Public Education Commission 93
Public Employee Labor Relations Board....173
Public Employees Retirement Board 175
Public Health and Safety Advisory Committee 364
Public Records, State Commission of....177
Public Regulation Commission....178
Public Regulation Commission Nominating Committee....180
Public Safety and Criminal Justice 331
Public Safety Advisory Commission 365
Public School Capital Outlay Council 95

Public School Insurance Authority, Board of Directors of the 97
Public Service Law Advisory Committee 81
Racing Commission, State 374
Radiation Technical Advisory Council 116
Radioactive Waste Consultation Task Force 117
Rangeland Protection Advisory Committee 8
Real Estate Appraisers Board 320
Real Estate Commission, New Mexico 323
Regents for State Educational Institutions, Board of 82
Regional Education Coordinating Councils 98
Renewable Energy Transmission Authority, New Mexico 272
Respiratory Care Practitioners, Advisory Board of 324
Retiree Health Care Authority, Board of the 182
Rio Grande Trail Commission 118
Risk Management Advisory Board 183
Search and Rescue Review Board, State 366
Semiquincentennial Commission 73
Sentencing Commission, New Mexico 367
Sex Offender Management Board, New Mexico 369
Sheep and Goat Council, New Mexico 9
Signed Language Interpreting Practices Board 325
Skills Council 35
Small Business Regulatory Advisory Commission 36
Social Work Examiners, Board of 326
Soil and Water Conservation Commission 120
Space History Commission, New Mexico Museum of 74
Spaceport Authority 37
Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Board 328
Sports 371
Sports Advisory Committee 376
State Fairgrounds District Board 39
State Land Trusts Advisory Board 122
Storage Tank Committee 123
Strategic Economic Development Site Advisory Committee 41
Substitute Care Advisory Council 247
Sustainable Economy Advisory Council 43
Technology and Innovation Network Advisory Board 44
Technology in Education, Council on 99
Telehealth and Health Information Technology Commission, New Mexico 249
Tourism Commission 46
Trade Ports Advisory Committee 47
Traffic Safety Bureau Advisory Committee 381
Transportation 377
Transportation Commission, State 382
Trauma Advisory Committee 250
Trauma System Fund Authority 251
Tree Planting Advisory Committee 124
Tribal Infrastructure Board 252

Unemployment Compensation Board of Review 49
Unemployment Compensation State Advisory Council and
Other Industry and Special Councils 50
Veterans' Home Advisory Board, New Mexico 254
Veterans Museum, Board of Trustees of the New Mexico 278
Veterinary Medicine, Board of 330
Voting System Certification Committee.....184
Wastewater Technical Advisory Committee 125
Water Quality Control Commission 126
Water Trust Board.....128
Wildlife Commission Nominating Committee, State 130
Wildlife Commission, State 132
Women, Commission on the Status of.....255
Women's Health, Office of the Governor's Council on 256
Work and Save Board, New Mexico 51
Workers' Compensation and Occupational Disease Disablement,
Advisory Council on 53
Workforce Development Board, State 54
Youth Alliance 257
Youth Conservation Corps Commission, New Mexico.....135

Category: Agriculture

Acequia Commission

Statutory Reference: Section 73-2-65 NMSA 1978.

Organizational Status: Administratively attached to the Local Government Division of the Department of Finance and Administration.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Line-item appropriation under the Local Government Division; statutory per diem and mileage.

Membership: Eleven members appointed by the governor. Members shall reside in irrigated areas of the state containing acequias; and shall own land irrigated from acequias or community ditches organized pursuant to a ditch or acequia statute. Members serve four-year terms and meet not less than quarterly or more than once a month. Members elect chair.

Powers and Duties: Section 73-2-66 NMSA 1978: provides advice and assists the governor, legislature, state engineer, Interstate Stream Commission and United States Army Corps of Engineers in establishing acequia and community ditch rehabilitation priorities and other matters; serves as facilitator between acequias or community ditches and state and federal agencies; and reviews plans and legislation affecting acequias and community ditches.

Duplication, Similarity or Connection with Other Agencies: The Acequia and Community Ditch Fund (Section 73-2A-3 NMSA 1978), which is for adjudication expenses, is administered by the New Mexico Department of Agriculture; amounts are determined by a committee consisting of the New Mexico Department of Agriculture director, the Interstate Stream Commission chair and an Acequia Commission member. The state engineer and Interstate Stream Commission have similar duties.

Category: Agriculture

Beef Council, New Mexico

Statutory Reference: Section 77-2A-3 NMSA 1978 (New Mexico Beef Council Act).

Organizational Status: Unspecified

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? Yes, Beef Promotion and Research Act of 1985.

Senate Confirmation? No

Sunset? No

Funding: Industry assessments; statutory reimbursement not to exceed Per Diem and Mileage Act provisions.

Membership: Nine members appointed for staggered three-year terms by the director of the New Mexico Department of Agriculture with approval of the governor. The director serves as an ex-officio, nonvoting member. Members shall be beef or dairy producers and shall receive a substantial portion of their income from the branch they represent on the council. One member represents fluid milk producers, five represent beef producers, one represents breeders of purebreds and two represent commercial cattle feeders. Appointments are made from lists recommended by farm organizations, producer associations and individual producers. The council shall meet at least once each six months.

Other: The council has its own bank account and is not required to submit vouchers, purchase orders or contracts to the Department of Finance and Administration. It is exempt from the Procurement Code and the Personnel Act, but staff are considered state employees for purposes of the Tort Claims Act. The federal act establishes an assessment of $1.00 per head. The Cattlemen's Beef Promotion and Research Board established under the federal act designates state beef councils to collect assessments; the New Mexico Beef Council allocates a portion of the assessment to an in-state promotion and research program.

Powers and Duties: Section 77-2A-6 NMSA 1978: conducts marketing programs; submits a detailed annual budget to the New Mexico Department of Agriculture; bonds officers and employees; keeps detailed and accurate financial records; establishes procedures for adoption of rules; determines assessment rates; employs staff, not to exceed four; may contract for scientific research; may disseminate information; may make grants to research agencies; may cooperate with local, state and national organizations and agencies; may study legislation; may enter into contracts; may sue and can be sued; may adopt rules to be filed with the department; and may cooperate with other beef councils or agencies in the collection of assessments.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: Agriculture

Chile Commission, New Mexico
Dry Onion Commission, New Mexico
Peanut Research Board

Statutory Reference: Created under the auspices of the Agricultural Commodity Commission Act (Section 76-21-1 NMSA 1978).

Organizational Status: Unspecified; the New Mexico Department of Agriculture approves the annual budget, fills vacancies and exercises other powers.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Industry assessments; per diem and mileage are not specified.

Membership: From five to 11 members as determined by the commodity producers and handlers; director of the New Mexico Department of Agriculture or the director's designee is an ex-officio, nonvoting member.

Other: The commission has its own bank account and is not required to submit vouchers, purchase orders or contracts to the Department of Finance and Administration. It is exempt from the Procurement Code and the Personnel Act, but members and staff are considered state employees for purposes of the Tort Claims Act.

Powers and Duties: Collects assessments from industry and allocates funds for research and market development.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: Agriculture

Fair Commission, State

Statutory Reference: Section 16-6-1 NMSA 1978.

Organizational Status: Administratively attached to the Tourism Department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes

Sunset? No

Funding: General appropriation act; other state funds = state fair's income; statutory per diem and mileage.

Membership: Seven members appointed by the governor with the advice and consent of the senate serve staggered five-year terms, with removal only for cause but disqualified for membership if the board member moves out of state. No fewer than two commissioners shall be engaged in the business of raising livestock and no fewer than two shall be engaged in agricultural vocations and pursuits other than raising livestock. Annual meeting on the first Monday of January.

Other: The commission has the power to borrow money and issue bonds. The commission is a non-General Fund agency that does not submit vouchers to the Department of Finance and Administration; however, the commission shall submit to the Department of Finance and Administration monthly budget status reports, a list of all checks issued and supporting documentation for each expenditure. In January of each year, the board shall prepare and transmit to the governor a full financial statement, signed by each member of the commission, that shows all money received and disbursed, all assets and liabilities and a full and detailed account of its transactions; the report shall include statistics and information of value to the various industries of the state.

The commission has the power of eminent domain.

The state fair is created as a governmental instrumentality.

Powers and Duties: Section 16-6-4 NMSA 1978: operates annual fair.

Section 16-6-15 NMSA 1978: acquires, holds and disposes of real or personal property; builds, constructs, improves, repairs and maintains buildings, structures, improvements, grounds and equipment for operating a state fair; acquires any project; and accepts grants, borrows money and issues bonds.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: Agriculture

Livestock Board, New Mexico

Statutory Reference: Section 77-2-2 NMSA 1978 (The Livestock Code).

Organizational Status: Attached for coordination purposes to the New Mexico Department of Agriculture; the board is required to execute a memorandum of understanding with the department identifying areas for cooperation and coordination, including administrative services.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No. The board no longer performs federal duties for meat inspection.

Senate Confirmation? No

Sunset? No

Funding: General appropriation act; other state funds = fees and property tax on livestock; statutory per diem and mileage.

Membership: Nine members who are state residents appointed by the governor and adequately representing the state livestock industry; seven members shall raise and own cattle or sheep and two members represent the general public. The majority at any given time shall be primarily engaged in the business of raising and owning cattle. No more than five members shall belong to the same political party. Members serve staggered six-year terms. The board holds June and December meetings and meets otherwise at the call of the chair or a majority of members.

Other: The board has subpoena power. The board has its own bank account and does not submit vouchers to the Department of Finance and Administration; its budget is approved by the Department of Finance and Administration.

Powers and Duties: Section 77-2-2 NMSA 1978: assumes powers and duties of the defunct Sheep Sanitary Board of New Mexico and the defunct Cattle Sanitary Board of New Mexico.

Section 77-2-3 NMSA 1978: governs the livestock industry of the state.

Section 77-2-7 NMSA 1978: may: exercise general regulatory supervision over the livestock industry to protect from theft and diseases; appoint an executive director and other employees, including inspectors; appoint a state veterinarian and subordinate veterinarians; adopt rules to control the importation of animals; establish quarantine, provide its boundaries and give notice; adopt rules for meat inspection; adopt rules governing the importation, manufacture, sale, distribution or use of serum, vaccines and other biologicals, virulent blood or living virus of diseases affecting animals; set fees and charges; consider the views of the livestock industry in administration of The Livestock Code; adopt other rules; and hold hearings and subpoena witnesses.

Section 77-2A-7.1 NMSA 1978: levies, imposes and collects the council assessment for the New Mexico Beef Council.

Other powers and duties under The Livestock Code: enters into contracts for research and promotion of meat and meat products; sets rates for special property tax levies on livestock; deposits into and expends from the New Mexico Livestock Board general fund, with expenditures based on budget approved by Department of Finance and Administration; and sets and collects fees for board services.

Most of Chapter 77 NMSA 1978 specifies board powers and duties, including: providing for the control of contagious diseases in livestock; preventing, suppressing, controlling and eradicating scabies and tuberculosis; registering hog feeders; registering brands and marks and maintaining brand books; licensing livestock sales rings; providing for the impoundment of stray animals; licensing abattoirs, meat dealers and storage plants; and seizing and disposing of cruelly treated livestock.

Section 77-2-29 NMSA 1978: fixes fees for services rendered pursuant to The Livestock Code.

Chapter 30, Article 18 NMSA 1978: enforce penalties for cruelty and other livestock crimes.

Other: The board has statutory authority related to meat inspection, but it no longer performs that function. For those duties, see Chapter 25, Article 3 NMSA 1978.

Duplication, Similarity or Connection with Other Agencies: New Mexico Department of Agriculture.

Category: Agriculture

Rangeland Protection Advisory Committee

Statutory Reference: Section 76-7B-5 NMSA 1978 (Rangeland Protection Act).

Organizational Status: Advisory to the New Mexico Department of Agriculture.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: No direct appropriation; per diem and mileage allowances not specified; department provides necessary administrative staff and facilities.

Membership: The director of the New Mexico Department of Agriculture, who serves as chair; the chair of the Range Improvement Task Force of the College of Agriculture at New Mexico State University; the commissioner of public lands; the director of the Department of Game and Fish [Department of Wildlife]; the secretary of energy, minerals and natural resources; the dean of the College of Agriculture; and the director of the Environmental Improvement Division of the Department of Environment. The chair appoints one additional member from the ranching industry for a one-year term. The committee shall meet at least once a year; otherwise, meetings are at the call of the chair.

Other: The committee shall coordinate its activities and involve the state director of the United States Bureau of Land Management, the regional forester of the United States Forest Service, the Bureau of Indian Affairs and the state conservationist of the United States Soil Conservation Service [National Resources Conservation Service of the United States Department of Agriculture].

Powers and Duties: Section 76-7B-5 NMSA 1978: meets at the call of the chair to develop general guidelines to be followed for all rangeland protection projects conducted by the New Mexico Department of Agriculture pursuant to the act; convenes at least annually to discuss rangeland protection projects conducted during the preceding year; and provides updated recommendations and guidance for future projects as required by changes in funding, laws or technology.

Duplication, Similarity or Connection with Other Agencies: New Mexico Department of Agriculture.

Category: Agriculture

Sheep and Goat Council, New Mexico

Statutory Reference: Section 77-8A-3 NMSA 1978 (New Mexico Sheep and Goat Act).

Organizational Status: Unspecified

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Industry assessments; statutory reimbursement not to exceed Per Diem and Mileage Act provisions.

Membership: Seven members elected by producers from nominations made to the director of the New Mexico Department of Agriculture by producers or producer organizations. Members shall be actively engaged in sheep or goat production or another branch of the sheep or haired-goat business. Two members are elected from the region north of I-40, four are elected from the region south of I-40, and one member shall be a handler of sheep or haired goats or their products. Each member shall be elected for a three-year term. Vacancies are filled by appointment by the director from nominations made by producers and producer organizations. The director serves as an ex-officio, nonvoting member of the council.

Other: The council has its own bank account and is not required to submit vouchers, purchase orders or contracts to the Department of Finance and Administration; is exempt from the Procurement Code and the Personnel Act; and is covered by the Tort Claims Act.

Powers and Duties: Section 77-8A-6 NMSA 1978. The council shall:

(1) conduct marketing programs, including promotion, education and research, promoting sheep and haired-goat products;

(2) submit to the director a detailed annual budget for the council on a fiscal-year basis and provide a copy of the budget upon request to any person who has paid an assessment or made a contribution under the New Mexico Sheep and Goat Act;

(3) bond officers and employees of the council who receive and disburse council funds;

(4) keep detailed and accurate records for all receipts and disbursements, have those records audited annually and keep the audit available for inspection in the council office;

(5) establish procedures for the adoption of rules that will provide for input from producers;

(6) determine and publish each year the assessment rates to be collected by the board; and

(7) employ staff not to exceed three persons.

The council may:

(1) contract for scientific research to discover and improve the commercial value of sheep and haired goats and products thereof;

(2) disseminate information showing the value of sheep and haired goats and products for any purpose for which they may be found useful and profitable;

(3) fund programs to enhance the efficiencies of sheep and haired-goat production;

(4) make grants to research agencies for financing studies or for the purchase or acquisition of facilities necessary to carry out the purposes of the council as authorized by the New Mexico Sheep and Goat Act;

(5) cooperate with any local, state or national organizations or agencies, whether created by law or voluntary, that are engaged in work or activities similar to that of the council and enter into contracts with those organizations or agencies and expend funds in connection therewith for carrying on joint programs;

(6) study federal and state legislation with respect to tariffs, duties, reciprocal trade agreements, import quotas and other matters concerning the effect on the sheep and haired-goat industry and represent and protect the interests of the industry with respect to any legislation or proposed legislation or executive action that may affect that industry;

(7) enter into contracts that it deems appropriate to the carrying out of the purposes of the council as authorized by the New Mexico Sheep and Goat Act;

(8) sue and be sued as a council without individual liability for acts of the council within the scope of the powers conferred upon it by the New Mexico Sheep and Goat Act;

(9) appoint subordinate officers and employees of the council and prescribe their duties and fix their compensation;

(10) adopt rules for the exercise of its powers and duties. A copy of all council rules shall be filed with the department; and

(11) cooperate with other state councils or agencies in the collection of assessments.

Duplication, Similarity or Connection with Other Agencies: The New Mexico Department of Agriculture; New Mexico Livestock Board; Economic Development Department.

Category: Commerce and Industry

Apprenticeship and Training Advisory Committee

Statutory Reference: Section 21-19A-7 NMSA 1978 (Apprenticeship Assistance Act).

Organizational Status: Advisory to the Instructional Support and Vocational Education Division of the Public Education Department.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? Constituted pursuant to the National Apprenticeship Act.

Senate Confirmation? No

Sunset? No

Funding: Indirect through the Public Education Department; per diem and mileage for members not otherwise compensated by public funds allowed for 12 meetings per year.

Membership: Nine members appointed by the Workforce Solutions Department: two who represent employers of apprenticeable trades; two who represent organized labor of apprenticeable trades; two full-time training directors or program administrators of apprenticeship committees; two employees of educational entities who teach or supervise preparatory instruction, supplementary instruction or related instruction courses; and the state apprenticeship director, who serves as chair. Members serve four-year terms. Nonvoting members include: two persons designated by and representing the New Mexico college and university system of vocational education; one person designated by and representing the Office of Apprenticeship of the United States Department of Labor; and one person representing the general public who is familiar with the goals and needs of technical-vocational education in New Mexico and who is not otherwise eligible for service on the advisory committee. The general public nonvoting member serves four years; other nonvoting members serve at the pleasure of the representative organization. The committee meets annually and at the call of the chair.

Other: The Apprenticeship Assistance Act also provides for apprenticeship committees for each apprenticeship training program. The committees appear to have policymaking authority. They are structured pursuant to CFR 29.29.

Powers and Duties: Section 21-19A-8 NMSA 1978: provides input into the development of a statewide plan for a comprehensive program of apprenticeship training, including formulas and administrative procedures in requesting legislative appropriations for apprenticeship training; forms, formulas and administrative procedures for distribution of funds; and the content and method of public notice required by the act.

Duplication, Similarity or Connection with Other Agencies: There are several apprenticeship organizations that assist the Instructional Support and Vocational Education Division, the Workforce Solutions Department and the Economic Development Department.

Category: Commerce and Industry

Apprenticeship Committees

Statutory Reference: Section 21-19A-4 NMSA 1978 (Apprenticeship Assistance Act).

Organizational Status: Unspecified

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? Committees structured pursuant to the National Apprenticeship Act (see 29 CFR Part 29).

Senate Confirmation? No

Sunset? No

Funding: No direct appropriation; per diem and mileage not statutory.

Membership: Unspecified

Powers and Duties: Section 21-19A-4 NMSA 1978: the apprenticeship committee for each apprenticeship training program shall: establish standards and goals for related instruction for apprentices in the program and supplementary instruction for journeymen; establish rules governing on-the-job training and other instruction for apprentices in the program; plan and organize instructional materials designed to provide technical and theoretical knowledge and basic skills required by apprentices; select qualified instructors for the program; monitor and evaluate performance and progress of each apprentice in the program and the program as a whole; interview applicants and select those who meet their criteria; provide for keeping and reporting on the apprentice, program and fiscal data as required by United States Department of Education; and perform other duties that promote goals of apprentices and the program.

Duplication, Similarity or Connection with Other Agencies: There are several apprenticeship organizations that assist the Instructional Support and Vocational Education Division of the Public Education Department, the Workforce Solutions Department and the Economic Development Department.

Category: Commerce and Industry

Apprenticeship Council

Statutory Reference: Section 50-7-3 NMSA 1978.

Organizational Status: Unspecified

Policy or Advisory? Policy

Rulemaking Authority? Can prescribe its own rules of procedures.

Federal Mandate? Unclear; may be related to the National Apprenticeship Act.

Senate Confirmation? No

Sunset? No

Funding: Indirect through the Workforce Solutions Department; per diem and mileage for members not otherwise compensated by the public funds allowed for 12 meetings per year.

Membership: Nine members appointed by the secretary of workforce solutions, three representing each category of employers, labor and the public; members serve staggered three-year terms. The secretary of workforce solutions and secretary of public education serve as ex-officio, nonvoting members.

Powers and Duties: Section 50-7-4 NMSA 1978: formulates standards to safeguard the welfare of apprentices and other policies necessary to carry out intent and purpose of Chapter 50, Article 7 NMSA 1978. The council confirms appointment of the director of apprenticeship in the Workforce Solutions Department.

Duplication, Similarity or Connection with Other Agencies: There are several apprenticeship organizations that assist the Instructional Support and Vocational Education Division of the Public Education Department, the Workforce Solutions Department and the Economic Development Department.

Category: Commerce and Industry

Bioscience Authority, New Mexico

Statutory Reference: Section 9-15E-3 NMSA 1978 (Bioscience Development Act).

Organizational Status: Created as a public-private partnership pursuant to the Nonprofit Corporation Act. Administratively attached to, and an affiliated supporting organization of, the University of New Mexico Health Sciences Center pursuant to Section 6-5A-1 NMSA 1978.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes, for public members.

Sunset? No

Funding: General appropriation act; other state funds = Bioscience Development Fund; members do not receive per diem and mileage or any other compensation, perquisite or allowance.

Membership: The authority is governed by a board of directors, which consists of the following thirteen voting members: two representatives of the University of New Mexico Health Sciences Center with experience in bioscience research, appointed by the university president; two representatives of New Mexico State University with experience in bioscience research, appointed by the university president; one representative of the New Mexico Institute of Mining and Technology with experience in bioscience research, appointed by the university president; the secretary of economic development or designee; the executive director of the Spaceport Authority or designee; and six members of the public with experience in bioscience, including two appointed by the governor with the advice and consent of the senate and four appointed by the New Mexico Legislative Council with the advice and consent of the senate, provided that no more than two of the public members appointed by the New Mexico Legislative Council shall be from the same political party. Initial public member appointees shall serve staggered terms. Board members elect a chair and other officers to comprise the Bioscience Authority Executive Committee, whose powers and duties are delegated by the board of directors. The executive director and board chair are nonvoting members of the executive committee. Vacancies are filled by the original appointing authority. The board meets at least once every three months and maintains written minutes of each meeting and other records, including financial transactions, in compliance with the Audit Act.

Powers and Duties: Section 9-15E-3 NMSA 1978: adopts bylaws in accordance with the Nonprofit Corporation Act.

Section 9-15E-5 NMSA 1978: advises the governor, the Economic Development Department and the New Mexico Finance Authority Oversight Committee on methods, proposals and programs that may stimulate bioscience industries and provide jobs; makes and executes

contracts; creates programs to expand bioscience economic opportunities; creates avenues of communication between the state and bioscience industry representatives; promotes legislation to further the goals of the authority; oversees production of promotional literature; identifies science and technology trends significant to bioscience enterprises; acts as a clearinghouse for bioscience enterprise issues and information; coordinates and expedites the executive branch's bioscience-related development efforts; performs or causes to be performed technical studies; actively recruits industries and establishes programs to attract new bioscience industries to the state; may solicit and accept federal, state, local and private grants; and may act as an applicant for bioscience facilities. The authority shall not incur debt as a general obligation of the state or pledge the full faith and credit of the state to repay debt.

Section 9-15E-6 NMSA 1978: may contract with any competent private or public organization or individual to assist in the fulfillment of its duties.

Duplication, Similarity or Connection with Other Agencies: University of New Mexico Health Sciences Center; New Mexico State University; New Mexico Institute of Mining and Technology; Economic Development Department; Spaceport Authority.

Category: Commerce and Industry

Border Authority

Statutory Reference: Section 58-27-4 NMSA 1978 (Border Development Act).

Organizational Status: Administratively attached to the Economic Development Department. The New Mexico Finance Authority Oversight Committee is the legislative oversight entity for the Border Authority.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes, for public members.

Sunset? No

Funding: General appropriation act; statutory per diem and mileage.

Membership: Seven voting members: the secretary of economic development, who serves as chair, or the secretary's designee; and six appointed by the governor with senate confirmation and with no more than three from the same political party. The lieutenant governor is an ex-officio, nonvoting member. Appointed members serve staggered four-year terms. The chair may appoint a nonvoting advisory committee to provide advice and recommendations.

The chair and four voting members appointed by the chair constitute the Border Authority's executive committee; the executive director of the authority is a nonvoting member of the executive committee. The executive committee has powers and duties as delegated to it by the authority. The chair may appoint a nonvoting advisory committee to provide advice and recommendations on authority matters.

Other: The Border Authority has sweeping powers without direct accountability, e.g., it has the power to issue bonds; charge and collect tolls and other fees; and own and operate port-of-entry facilities.

Powers and Duties: Section 58-27-10 NMSA 1978: advises the governor and the governor's staff and the oversight committee on methods, proposals, programs and initiatives involving the New Mexico-Chihuahua border area that may further stimulate the border economy and provide additional employment opportunities for New Mexico residents; subject to the provisions of the Border Development Act, initiates, develops, acquires, owns, constructs and maintains border development projects; creates programs to expand economic opportunities beyond the New Mexico-Chihuahua border area to other areas of the state; creates avenues of communication between New Mexico and Chihuahua and the Republic of Mexico concerning economic development, trade and commerce, transportation and industrial affairs; promotes legislation to further the goals of the authority and development of the border region; produces promotional literature related to explanation and fulfillment of the authority's goals; actively recruits

industries and establishes programs that will result in the location and relocation of new industries in the state; coordinates and expedites the involvement of the executive department's border area efforts; and performs or causes to be performed environmental, transportation, communication, land use and other technical studies necessary or advisable for projects or programs or to secure port-of-entry approval by the United States and Mexican governments and other appropriate governmental agencies. The authority may: solicit and accept federal, state, local and private grants of funds, property or financial or other aid in any form to carry out the provisions of the Border Development Act; adopt rules governing the manner in which its business is transacted and the manner in which the powers of the authority are exercised and its duties performed; act as an applicant for and operator of port-of-entry facilities and, as the applicant, carry out all tasks and functions, including acquisition by purchase or gift of any real property necessary for port-of-entry facilities, acquisition by purchase, gift or construction of any facilities or other real or personal property necessary for a port of entry and filing all necessary documents and follow-up of such filings with appropriate agencies; as part of a port of entry, give or transfer real property, facilities and improvements owned by the authority to the United States government; acquire by construction, purchase, gift or lease projects that will be located within the state; sell, lease or otherwise dispose of a project upon terms and conditions acceptable to the authority and in the best interests of the state; issue revenue bonds and borrow money for the purpose of defraying the cost of acquiring a project by purchase or construction and to secure the payment of the bonds or repayment of a loan; expend funds or incur debt for the improvement, maintenance, repair or addition to property owned by the authority, the state or the United States government; refinance a project; administer the Border Project Fund and projects financed by the fund; enter into agreements with the federal government to operate, improve and expand federal border facilities; and enter into business relationships with qualified entities to fund and operate projects.

In exercising its authority, the Border Authority shall not incur debt as a general obligation of the state or pledge the full faith and credit of the state to repay debt.

Section 58-27-12 NMSA 1978: hires an executive director and may contract for services.

Section 58-27-14 NMSA 1978: unless prohibited by law, may fix, alter, charge and collect tolls, fees or rentals and other charges for services.

Section 58-27-15 NMSA 1978: is the issuing authority for private activity bonds and has the power to issue revenue bonds.

Section 58-27-16.1 NMSA 1978: subject to State Board of Finance approval, may enter into other financial arrangements.

Duplication, Similarity or Connection with Other Agencies: There are several entities in the executive branch and the universities that deal with border issues.

Category: Commerce and Industry

Cannabis Regulatory Advisory Committee

Statutory Reference: Section 26-2C-3 NMSA 1978 (Cannabis Regulation Act).

Organizational Status: Advisory to the Cannabis Control Division of the Regulation and Licensing Department.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Statutory per diem and mileage; members shall receive no other compensation.

Membership: Members serve at the pleasure of the superintendent of regulation and licensing. Members include the chief public defender or the chief public defender's designee; a district attorney appointed by the New Mexico District Attorney Association; a municipal police chief appointed by the New Mexico Association of Chiefs of Police; a county sheriff appointed by the executive director of the New Mexico Association of Counties; and one member for each of the following groups or professional qualifications, appointed by the superintendent: a cannabis policy advocacy organization; a labor organization; a qualified patient; a state or local agency with relevant expertise as the director of the Cannabis Control Division and the superintendent deem appropriate; an Indian nation, tribe or pueblo with relevant expertise as the director and the superintendent deem appropriate; expertise in public health; expertise in regulating commercial activity for adult-use intoxicating substances; expertise and experience in cannabis laboratory science; expertise in environmental science; expertise in small business development; expertise in water resources; expertise in other relevant areas as the director and the superintendent deem appropriate; and previous experience as a cannabis retailer, cannabis producer or cannabis manufacturer and who is a nonvoting member. A person appointed to the committee shall not hold any ownership interest or investment in a licensed person pursuant to the Cannabis Regulation Act.

Powers and Duties: Section 26-2C-3 NMSA 1978: advises the Cannabis Control Division on the development of rules pursuant to the Cannabis Regulation Act, including best practices and the promotion of economic and cultural diversity in licensing and employment opportunities and protection of public health and safety while ensuring a regulated environment for commercial cannabis activity that does not impose unreasonable barriers that would perpetuate, rather than reduce and eliminate, the illicit market for cannabis.

Duplication, Similarity or Connection with Other Agencies: Regulation and Licensing Department; Cannabis Control Division.

Category: Commerce and Industry

Community Development Council, New Mexico

Statutory Reference: Section 11-6-4 NMSA 1978 (New Mexico Community Assistance Act).

Organizational Status: Unspecified; the Local Government Division of the Department of Finance and Administration serves as council staff.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? The council sets rules and awards grants from the federal Community Development Block Grant Program funds.

Senate Confirmation? No

Sunset? No

Funding: Indirect through the Local Government Division; per diem and mileage for public members not statutory.

Membership: Eleven members as follows: the secretary of finance and administration; governor; secretary of health and environment [sic]; lieutenant governor; and seven members appointed by the governor from districts specified in the act for three-year terms. Appointed members may be removed by the governor for good cause; the governor selects the chair.

Powers and Duties: Section 11-6-4.1 NMSA 1978: adopts rules to provide for procedures and forms for making grants under the act, with documentation provided by proposed grantees; and establishes: (1) procedures for review, evaluation and approval of grants; (2) procedures for reporting by the grantee of programmatic, organizational and financial information necessary for review, evaluation and approval of funding; (3) evaluation of ability and competence of the grantee; (4) common application form and funding cycle for state and federal grant or loan programs; (5) procedures for coordination and handling of applications for all state and federal grant or loan programs administered by the division; (6) procedures to control the number of applications from each political subdivision; and (7) such other requirements deemed necessary by the council to ensure that the state receives the services for which the legislature appropriated money.

Section 11-6-5 NMSA 1978: carries out the purposes and provisions of the New Mexico Community Assistance Act, including developing and overseeing the administration of community assistance programs; adopts, amends and repeals council rules; applies for federal aid designed to assist local community infrastructure development; oversees administration of federal and other funds for community assistance programs; coordinates and mobilizes assistance and funding resources in regard to the construction, extension or repair of projects; coordinates with, assists and seeks input from political subdivisions, community organizations and civic groups; enters into contracts and agreements necessary to carry out its powers and duties; and disburses and oversees the administration of any other funds appropriated to the council or as

directed by the legislature.

Section 11-6-6 NMSA 1978: accepts applications for grants and approves assistance funds.

Section 11-6-9 NMSA 1978: requests assistance of any state agency, including assignment of personnel.

Section 9-14-4 NMSA 1978: determines recipients and amounts of community development block grants.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: Commerce and Industry

Construction Industries Commission

Statutory Reference: Section 60-13-6 NMSA 1978 (Construction Industries Licensing Act).

Organizational Status: Commission created within the Construction Industries Division of the Regulation and Licensing Department.

Policy or Advisory? Policy

Rulemaking Authority? The commission approves proposed rules of the division.

Federal Mandate? No

Senate Confirmation? Yes

Sunset? No

Funding: Indirect through the Construction Industries Division; statutory per diem and mileage for members.

Membership: Nine voting members appointed by the governor with the advice and consent of the senate as follows: one representative of the residential construction industry; one licensed electrical contractor; one licensed mechanical contractor; one practicing architect; one practicing general contractor; one representative of the liquefied petroleum gas industry; one public member; one representative of the subcontracting industry; and one representative of organized labor. Members are appointed to provide adequate geographic representation. Terms are not specified; members serve at the pleasure of the governor. The director of the division serves as the executive secretary. The commission meets bimonthly or at the call of the chair.

Other: Section 9-16-12 NMSA 1978: provides exemption from authority of the superintendent of regulation and licensing. The commission has subpoena power. The commission may assess administrative penalties.

Powers and Duties: Section 60-13-6 NMSA 1978: establishes policy for the division; advises on, reviews, coordinates and approves or disapproves all rules, standards, codes and licensing requirements subject to approval of the commission; revokes or suspends licenses and certificates of qualification issued under the Construction Industries Licensing Act or the LPG and CNG Act; and defines and establishes all license classifications.

Section 60-13-10.2 NMSA 1978: with the division, promulgates rules that establish a procedure for the issuance of permits for the construction and installation of solar collectors.

Section 60-13-11 NMSA 1978: may: sue and be sued; issue subpoenas and compel attendance and production; administer oaths; adopt a seal; compel minimum code compliance in all certified code jurisdictions and political subdivisions; and investigate code violations.

Section 60-13-15 NMSA 1978: reviews all licenses issued by the Construction Industries

Division.

Section 60-13-23 NMSA 1978: revokes or suspends licenses.

Section 60-13-23.1 NMSA 1978: may assess administrative penalties.

Section 60-13-36 NMSA 1978: may suspend or revoke certificates of competence.

Section 70-5-5 NMSA 1978: may adopt rules to carry out provisions of the LPG and CNG Act.

Section 70-5-13 NMSA 1978: holds hearings pursuant to the LPG and CNG Act.

Duplication, Similarity or Connection with Other Agencies: Construction Industries Division.

Category: Commerce and Industry

Economic Development Commission

Statutory Reference: Section 9-15-11 NMSA 1978 (Economic Development Department Act).

Organizational Status: Administratively attached to the Economic Development Department.

Policy or Advisory? Policy and advisory; the commission approves annual update to five-year plan.

Rulemaking Authority? Yes, for its own operations.

Federal Mandate? No

Senate Confirmation? Yes

Sunset? No

Funding: Indirect through the Economic Development Department; statutory per diem and mileage for members.

Membership: Nine members appointed by the governor and confirmed by the senate. No more than five members shall be from the same political party and at least one Native American member. Seven members are appointed from planning districts, one Native American is appointed to represent the interests of Indian tribes and pueblos, and one member represents the public at large. Terms are five years, staggered; the governor designates the chair; the commission meets at the call of the chair not less than once each quarter. Removal is only for incompetence, neglect of duty or malfeasance; the senate has exclusive original jurisdiction over removal proceedings. Votes by proxy are prohibited.

Powers and Duties: Section 9-15-11 NMSA 1978: provides advice to the department on policy matters; annually approves and updates the state's five-year economic development plan; oversees the Economic Development Grant Program; and reviews and approves applications for matching and award grants pursuant to the Economic Development Grant Act.

Section 9-15-12 NMSA 1978: develops and recommends policies and provides policy and program guidance; reviews, modifies and approves annual updates to the five-year economic development plan generated by the department; advises, assists and promotes the department on matters relating to technology, technology-based new business development and technology commercialization projects; reviews federal technology-based programs requiring state matching funds and authorizes expenditures or pledges of state matching funds for such programs; and establishes rules for its own operation.

Duplication, Similarity or Connection with Other Agencies: Economic Development Department; Tourism Department; Tourism Commission.

Category: Commerce and Industry

Film and Media Industries, Governor's Council on

Statutory Reference: Section 9-15-4.1 NMSA 1978 (Economic Development Department Act).

Organizational Status: Advises the Economic Development Department and the governor; staff provided by the department.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: No direct appropriation; statutory per diem and mileage.

Membership: No more than 30 members appointed by the governor for four-year staggered terms. Terms expire January 1. The governor names the chair, who also serves as chair of the executive board. Meetings are to be held at least quarterly at the call of the chair.

Other: The governor appoints a seven-member executive board; five of the members shall have experience in some aspect of film production.

Powers and Duties: Section 9-15-4.1 NMSA 1978: council: reports activities to the department, governor and legislature annually by December 1; advises the department and the governor on ways to promote film production in the state; assists in the design and implementation of the department's strategic plan for building media infrastructure; and assists in the design of the workforce training program for film production and recommends incentives and funding for the program.

Executive board: with approval of the secretary of economic development, creates subcommittees and names a chair; coordinates activities of subcommittees; coordinates activities of the council; and develops recommendations pertaining to the council's duties for consideration by the council.

Duplication, Similarity or Connection with Other Agencies: New Mexico Film Division of the Economic Development Department.

Category: Commerce and Industry

Industrial Training Board

Statutory Reference: Section 21-19-7 NMSA 1978.

Organizational Status: Unspecified

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: No direct appropriation; per diem and mileage for public members is not statutory.

Membership: The director of the Economic Development Division of the Economic Development Department; director of the Instructional Support and Vocational Education Division of the Public Education Department; director of the Governor's Office of Workforce Training and Development [Job Training Division of the Workforce Solutions Department]; executive director of the Commission on Higher Education [secretary of higher education]; one employee of the Workforce Solutions Department; one member from organized labor appointed by the governor; and one public member from the business community appointed by the governor.

Powers and Duties: Section 21-19-7 NMSA 1978: establishes policies and promulgates rules for the administration of appropriated funds; and provides review and oversight to ensure that funds expended from the Development Training Fund will generate business activity and give measurable growth to the state's economic base.

Section 21-19-7.1 NMSA 1978: after consulting with the New Mexico Film Division, promulgates rules for development funding for film and multimedia production companies.

Duplication, Similarity or Connection with Other Agencies: Any agency represented as a member of the board, particularly the Economic Development Department or Workforce Solutions Department.

Category: Commerce and Industry

Labor and Industrial Commission

Statutory Reference: Section 50-1-1 NMSA 1978.

Organizational Status: Administratively attached to the Workforce Solutions Department.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? Yes

Sunset? No

Funding: Indirect through the Workforce Solutions Department; statutory per diem and mileage for members.

Membership: Three members as follows: two members appointed by the governor with the consent of the senate who serve at the pleasure of the governor for four-year terms; and one member appointed by the other two members of the commission who serves at the pleasure of the two members for a four-year term. One of the governor's members represents employers and one represents employees; the third member is someone who does not represent either employers or employees. No more than two members shall be from the same political party. The governor designates the chair.

Powers and Duties: Section 50-1-1.4 NMSA 1978: receives reports from the secretary of workforce solutions and acts in an advisory capacity to the secretary in enforcement of labor legislation.

Duplication, Similarity or Connection with Other Agencies: There are several labor and training organizations.

Category: Commerce and Industry

Manufactured Housing Committee

Statutory Reference: Section 60-14-5 NMSA 1978 (Manufactured Housing Act).

Organizational Status: Committee created within the Manufactured Housing Division of the Regulation and Licensing Department.

Policy or Advisory? Policy

Rulemaking Authority? Unclear. The committee approves the division's proposed rules; Section 60-14-5 NMSA 1978 states that the "committee shall . . . establish by regulation. . . ".

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Indirect through the Regulation and Licensing Department; statutory per diem and mileage.

Membership: Seven members appointed by the governor as follows: one representative of manufacturers; one dealer; one installer; one owner of a manufactured housing dealership; one member who finances the purchase of manufactured housing; and two manufactured house owners not subject to licensure under the act. Members serve at the pleasure of the governor within staggered four-year terms. Appointments shall provide geographic representation. The director of the division serves as the executive secretary. The committee meets at least bimonthly.

Other: Section 9-16-13 NMSA 1978: exempts the committee from authority of the superintendent of regulation and licensing.

Powers and Duties: Section 60-14-5 NMSA 1978: provides technical and policy advice to the division; reviews and approves or disapproves rules, standards and codes; establishes by rule the classifications of licenses issued by the division and qualifications and examinations necessary for licensure under the act; and suspends or revokes for cause any license or certificate of qualification issued by the division.

Section 60-14-15 NMSA 1978: with the division, receives complaints and orders compliance.

Duplication, Similarity or Connection with Other Agencies: Manufactured Housing Division.

Category: Commerce and Industry

New Mexico-Chihuahua Commission

Statutory Reference: Section 12-13A-4 NMSA 1978 (New Mexico-Chihuahua Commission Act).

Organizational Status: Administratively attached to the Economic Development Department.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Indirect through the Economic Development Department; statutory per diem and mileage for public members for official duties required by the commission.

Membership: Members representing New Mexico are: the governor, the secretaries of economic development and tourism, other state officials as assigned by the governor and no more than 10 public members appointed by the governor. Chihuahua members are appointed as that government determines. Governors of New Mexico and Chihuahua are co-chairs; meetings are at the call of the co-chairs or at the request of a majority of commission members. Terms for New Mexico public members are two years with unlimited reappointment. Members shall not have a financial interest in activities undertaken by the commission. Staff assistance is provided by the Economic Development Department.

Powers and Duties: Section 12-13A-5 NMSA 1978: provides a forum for the discussion and resolution of issues of mutual concern to the governments of New Mexico and Chihuahua; may identify projects to be cooperatively pursued; may create avenues of communication concerning cultural, artistic, economic and industrial affairs; may confer with leaders; may promote legislation; and may look for successful international intergovernmental cooperative activities and models. The governor of New Mexico may negotiate with the appropriate Chihuahuan officials to create cooperative projects to be jointly implemented or to resolve mutual concerns. The governor of New Mexico may implement agreements; provided that any agreement requiring an appropriation shall require legislative action.

Duplication, Similarity or Connection with Other Agencies: Trade and Mexican Affairs Division of the Economic Development Department; New Mexico-Sonora Commission; Office of the Governor.

Category: Commerce and Industry

New Mexico-Sonora Commission

Statutory Reference: Section 12-13B-3 NMSA 1978 (New Mexico-Sonora Commission Act).

Organizational Status: Administratively attached to the Economic Development Department.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Indirect through the Economic Development Department; statutory per diem and mileage for public members for official duties required by the commission.

Membership: Members representing New Mexico are the governor, secretary of economic development, secretary of tourism, other state officials as assigned by the governor and no more than nine members of the public appointed by the governor. The members representing Sonora shall be appointed or assigned according to regulations and procedures governing commissions in that state. Co-chairs are the governors of New Mexico and Sonora. Terms for New Mexico public members are two years with unlimited reappointment. Members shall not have a financial interest in activities undertaken by the commission. Staff assistance is provided by the Economic Development Department.

Powers and Duties: Section 12-13B-4 NMSA 1978: provides a forum for discussion and resolution of issues of mutual concern to the governments of New Mexico and Sonora; may identify projects to be cooperatively pursued; may create avenues of communication concerning cultural, artistic, economic and industrial affairs; may confer with leaders; may promote legislation; and may look for successful international intergovernmental cooperative activities and models. The governor of New Mexico may negotiate with the appropriate Sonoran officials to create cooperative projects to be jointly implemented or to resolve mutual concerns. The governor may implement agreements; provided that any agreement requiring an appropriation requires legislative action.

Duplication, Similarity or Connection with Other Agencies: Trade and Mexican Affairs Division of the Economic Development Department; New Mexico-Chihuahua Commission; Border Authority; other border initiatives of New Mexico State University and Western New Mexico University.

Category: Commerce and Industry

Occupational Health and Safety Review Commission

Statutory Reference: Section 50-9-9 NMSA 1978 (Occupational Health and Safety Act).

Organizational Status: Unspecified

Policy or Advisory? Unspecified; presumably policy.

Rulemaking Authority? Yes

Federal Mandate? The Department of Environment is the federal Occupational Safety and Health Administration agency.

Senate Confirmation? Yes

Sunset? No

Funding: Indirect through the Department of Environment; statutory per diem and mileage.

Membership: Three members appointed by the governor with the advice and consent of the senate; members reflect labor, industry and the general public. The governor designates the chair. Terms are six years; removal is for inefficiency, neglect of duty or malfeasance in office.

Other: Section 9-7A-14 NMSA 1978: provides exemption from the authority of the secretary of environment.

The commission has subpoena power.

Powers and Duties: Section 50-9-9 NMSA 1978: may order testimony to be taken by deposition; compels attendance and production; and may designate hearing officers.

Section 50-9-17 NMSA 1978: reviews department citations on appeal; and issues final orders.

Duplication, Similarity or Connection with Other Agencies: Occupational health and safety special committees; Environmental Improvement Board; Department of Environment.

Category: Commerce and Industry

Occupational Health and Safety Special Committees

Statutory Reference: Section 50-9-6 NMSA 1978 (Occupational Health and Safety Act).

Organizational Status: May be appointed by the Environmental Improvement Board or the secretary of environment.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? The Department of Environment is the federal Occupational Safety and Health Administration agency.

Senate Confirmation? No

Sunset? No

Funding: Indirect through the Department of Environment; statutory per diem and mileage.

Membership: Technicians or professionals specializing in occupational health or safety.

Powers and Duties: Section 50-9-6 NMSA 1978: assists in carrying out objectives of the act.

Duplication, Similarity or Connection with Other Agencies: Environmental Improvement Board; Department of Environment; Occupational Health and Safety Review Commission.

Category: Commerce and Industry

Opportunity Enterprise and Housing Development Review Board

Statutory Reference: Section 6-34-5 NMSA 1978 (Opportunity Enterprise and Housing Development Act).

Organizational Status: Unspecified; the New Mexico Finance Authority provides necessary administrative services to the board.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Unspecified, but likely not necessary; members do not receive per diem and mileage

Membership: Fourteen members, including the secretary of economic development or designee; the secretary of finance and administration or designee; the secretary of general services or designee; the state treasurer or designee; the executive director of the New Mexico Mortgage Finance Authority or designee; two members appointed by the governor who have experience in the housing, building or development sector; one representative appointed by the council of government organizations in the state; and six public members appointed by the New Mexico Legislative Council who have experience in any one or more of the following: the banking and financing industry; commercial or industrial credit; private equity, venture capital or mutual fund investment; commercial real estate development; engineering, construction and construction management; organized labor; urban planning; and environmentally sustainable construction and development. Appointed members serve staggered terms of six years, may be removed by the board for failure to attend three consecutive meetings or other cause, are governed by the Governmental Conduct Act and cannot hold office or employment in a political party. Members select a chair, vice chair and other officers the board deems necessary.

Powers and Duties: Section 6-34-6 NMSA 1978: meets quarterly and at the call of the chair; receives a list of executed contracts for enterprise assistance and housing development assistance; recommends to the New Mexico Finance Authority application forms and procedures for the prioritization of enterprise development projects and housing development projects; reviews standards and procedures for the approval of proposed contracts as needed; determines whether the use of enterprise assistance and housing development assistance is a prudent expenditure of public funds and reports annually to the legislature on that determination; makes recommendations to the New Mexico Finance Authority of potential enterprise development projects and housing development projects and potential rulemaking, application or lending changes to carry out the Opportunity Enterprise and Housing Development Act; and coordinates with the Economic Development Department to provide outreach services, evaluate opportunity enterprise partners and development projects for suitability for enterprise assistance, evaluate

housing development partners and eligible housing development projects for suitability for housing development assistance and obtain input and information from recipients.

Section 6-34-7 NMSA 1978: adopts rules to carry out provisions of the Opportunity Enterprise and Housing Development Act.

Duplication, Similarity or Connection with Other Agencies: Economic Development Department; New Mexico Finance Authority.

Category: Commerce and Industry

Outdoor Recreation Advisory Committee

Statutory Reference: Section 9-15-14.2 NMSA 1978 (Economic Development Department Act).

Organizational Status: Administratively attached to the New Mexico Outdoor Recreation Division of the Economic Development Department.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: No direct appropriation; statutory per diem and mileage; members receive no other compensation.

Membership: No more than 15 members appointed by the director of the New Mexico Outdoor Recreation Division. Members include: representatives of the outdoor recreation industry, the Tourism Department, the Cultural Affairs Department, the Energy, Minerals and Natural Resources Department, the State Parks Division of the Energy, Minerals and Natural Resources Department, the Department of Game and Fish [Department of Wildlife] and the Indian Affairs Department. Members serve at the pleasure of the director.

Powers and Duties: Unspecified

Duplication, Similarity or Connection with Other Agencies: New Mexico Outdoor Recreation Division; Economic Development Department.

Category: Commerce and Industry

Skills Council

Statutory Reference: Section 50-14-11 NMSA 1978 (Workforce Development Act).

Organizational Status: Unspecified

Policy or Advisory? Unspecified, presumably advisory.

Rulemaking Authority? No

Federal Mandate? Related to the federal Workforce Investment Act of 1998.

Senate Confirmation? No

Sunset? No

Funding: Unknown; per diem and mileage not statutory.

Membership: The chair of the State Workforce Development Board and the chairs of the local boards appoint one member from their respective boards.

Powers and Duties: Section 50-14-11 NMSA 1978: identifies state and regional industry clusters for the Coordination Oversight Committee of the board for the purpose of developing coordinated, targeted workforce training programs.

Duplication, Similarity or Connection with Other Agencies: State Workforce Development Board and its Coordination Oversight Committee; local boards; Workforce Solutions Department.

Category: Commerce and Industry

Small Business Regulatory Advisory Commission

Statutory Reference: Section 14-4A-5 NMSA 1978 (Small Business Regulatory Relief Act).

Organizational Status: Administratively attached to the Economic Development Department.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Indirect through the department; statutory per diem and mileage.

Other: Staff provided by the department.

Membership: Nine members who are current or former small business owners, including five appointed by the governor and two each appointed by the speaker of the house of representatives and the president pro tempore of the senate. Each member shall be from a different geographic region of the state. Members serve two-year terms and not more than three consecutive terms. Members name the chair. The commission meets at the call of the chair.

Powers and Duties: Section 14-4A-5 NMSA 1978: may: provide state agencies with input regarding proposed rules that may adversely affect small businesses; consider requests from small business owners to review rules adopted by an agency; review rules promulgated by an agency to determine whether a rule places an unnecessary burden on small businesses and make recommendations to mitigate the adverse effects; and provide an annual evaluation report to the governor and the legislature.

The commission does not have the authority to interfere with, modify, prevent or delay an agency or administrative enforcement action; intervene in legal actions; or subpoena witnesses, though it may request witnesses to voluntarily testify or produce documents.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: Commerce and Industry

Spaceport Authority

Statutory Reference: Section 58-31-4 NMSA 1978 (Spaceport Development Act).

Organizational Status: Administratively attached to the Economic Development Department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes

Sunset? No

Funding: Statutory per diem and mileage for appointed members.

Other: The authority may issue revenue bonds on its behalf or on behalf of the regional spaceport district. It may borrow money subject to approval of the State Board of Finance. Bonds are state tax-exempt.

Membership: Seven voting and two nonvoting members, six of whom shall be appointed by the governor with the consent of the senate. One of the appointed members shall be a resident of Sierra County; no more than three appointed members shall belong to the same political party. The seventh voting member is the secretary of economic development, who serves as chair, or the secretary's designee. Nonvoting members are the lieutenant governor and the executive director of the authority. Appointed members shall be residents of the state. Appointed members serve staggered four-year terms.

Other: The chair may appoint a nonvoting advisory committee to provide advice and recommendations on authority matters.

The chair, the executive director and four other voting members appointed by the chair constitute the Spaceport Authority Executive Committee, which has powers and duties as delegated by the authority.

The authority shall be located within 50 miles of a southwest regional spaceport.

Powers and Duties: Section 58-31-5 NMSA 1978: the authority shall: (1) hire an executive director, who hires other staff; (2) advise the governor and the New Mexico Finance Authority Oversight Committee on methods, proposals, programs and initiatives involving the spaceport that stimulate space-related business and employment; (3) initiate, develop, acquire, own, construct, maintain and lease space-related projects; (4) contract; (5) create programs to expand high-technology economic opportunities; (6) create avenues of communication among federal agencies, the space industry, users of space launch services and academia; (7) promote legislation to further its goals; (8) promote legislation that will further the goals of the authority

and development of space business; (9) oversee and fund production of promotional literature; (10) identify significant science and technology trends and act as a clearinghouse; (11) coordinate and expedite the executive branch's space-related development efforts; and (12) perform environmental, transportation, communication, land use and other technical studies.

The authority may: (1) advise and cooperate with municipalities, counties, state agencies, federal agencies and other interested persons; (2) solicit and accept public and private grants of funds, property or other aid; (3) adopt rules; (4) operate spaceport facilities; (5) construct, purchase, accept donations of or lease projects; (6) sell, lease or otherwise dispose of a project; (7) issue revenue bonds and borrow money; (8) enter into contracts and issue bonds on behalf of regional spaceport districts; (9) refinance a project; (10) contract for assistance in fulfillment of its duties; (11) collect tolls, fees or rentals and other charges; and (12) contract with spaceport districts to receive municipal and county gross receipts tax revenues.

The authority shall not incur debt as a general obligation of the state or pledge the state's full faith and credit or expend funds or incur debt for the improvement, maintenance or repair of property unless it is owned by the authority, the state or a political subdivision of the state.

Section 60-6A-10 NMSA 1978: may be licensed to sell alcoholic beverages on the spaceport premises.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: Commerce and Industry

State Fairgrounds District Board

Statutory Reference: Section 6-35-4 NMSA 1978 (State Fairgrounds District Act).

Organizational Status: The board governs the State Fairgrounds District.

Policy or Advisory? Policy

Rulemaking Authority? Unspecified

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Unspecified

Membership: Seven members composed of the governor or the governor's designee, the state senator representing the senate district inclusive of the district or the senator's designee, the member of the House of Representatives representing the house district inclusive of the district or the member's designee, the commissioner representing the commission district of the Bernalillo County Board of County Commissioners inclusive of the district, the city councilor representing the council district inclusive of the district, the mayor of Albuquerque and a designee of the governor who shall be a community member. At the end of the initial and each subsequent six-year term, the board may hold an election of new directors by majority vote of qualified electors in accordance with the Local Election Act. In the absence of an election, the initial seven members shall each serve an additional six-year term, except for a designee who is not an elected official and who shall be replaced by a designee who is an elected official.

Powers and Duties: Section 6-35-4 NMSA 1978: keeps the following records, which shall be open to the public: minutes of all meetings of the board, all resolutions, accounts showing all money received and disburse, the annual budget and all other records required to be maintained by law; separately accounts for all revenues and indebtedness based on property tax, gross receipts tax and gaming tax distributed to the special fund of the State Fairgrounds District; and individually accounts for all property tax, gross receipts tax and gaming tax distributed to the special fund of the State Fairgrounds District.

Section 6-35-7 NMSA 1978: revenue bonds or refunding bonds or loans may be authorized only by resolution of the board, which shall be approved by a majority of the members of the board.

Section 6-35-12 NMSA 1978: by September 1 of each year, reports to the State Board of Finance and the Legislative Finance Committee on the implementation of the State Fairgrounds District Act and expenditures to date, bonds issued, debt service reserve funds held, progress made toward retiring the bonds, estimated capital investment in the district, the estimated total

net new jobs and new full-time economic base jobs created in the district and the total revenues distributed to the district in each previous fiscal year.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: Commerce and Industry

Strategic Economic Development Site Advisory Committee

Statutory Reference: Section 6-25B-4 NMSA 1978 (Strategic Economic Development Site Readiness Act).

Organizational Status: The Economic Development Department provides necessary administrative services to the committee.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Unspecified; members who are not public employees are entitled to per diem and mileage as provided in the Per Diem and Mileage Act but receive no other compensation, perquisite or allowance.

Membership: Eleven members, including: the secretary of energy, minerals and natural resources or the secretary's designee; the secretary of environment or the secretary's designee; a representative of the Public Regulation Commission appointed by the commission; the secretary of transportation or the secretary's designee; the chief executive officer of the New Mexico Finance Authority or the officer's designee; the director of the Economic Development Division of the department; and five public members appointed by the New Mexico Legislative Council who have experience in law, architecture, planning, utilities, transportation or economic development. The members select a chair, who is a public member and serves a two-year term. The public members appointed initially draw lots for staggered terms in such a way that two members serve for six years, two members serve for four years and one member serves for two years. Thereafter, the public members serve for six-year terms. A vacancy in a term of a public member of the committee shall be filled by the New Mexico Legislative Council for the remainder of the original term.

A member of the committee shall not participate in or influence a decision by the committee in which that member has a conflict of interest, pecuniary interest or other disqualifying interest regarding a proposed strategic economic development site. All members of the committee shall certify annually and in writing compliance with this requirement.

Powers and Duties: Section 6-25B-5 NMSA 1978: meets quarterly and at such other times as deemed necessary by the chair; reviews and recommends the designation of proposed strategic economic development sites; recommends approval or disapproval of applications for grants and loans from the Site Readiness Fund, the Public Project Revolving Fund and other potential funding sources; recommends the promulgation of rules establishing the application process and criteria for the approval of strategic economic development sites in accordance with the

provisions of the State Rules Act; and consults with state agencies and county and local governments on technical issues relevant to the committee's consideration of proposed strategic economic development sites and applications for grants and loans from the Site Readiness Fund.

Duplication, Similarity or Connection with Other Agencies: Economic Development Department.

Category: Commerce and Industry

Sustainable Economy Advisory Council

Statutory Reference: Section 9-15-58 NMSA 1978.

Organizational Status: Administratively attached to the Economic Development Department.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Unspecified

Membership: Fourteen members, including: one representative of local governments, appointed by the chair of the Sustainable Economy Task Force; two representatives of disproportionately impacted communities or organizations with experience working with disproportionately impacted communities, appointed by the chair of the task force; two representatives of organizations with experience in sustainable economic development planning and workforce development, appointed by the chair of the task force; one representative from industry and business sectors involved in achieving or that may be affected by the goals of the sustainable economy task force, appointed by the chair of the task force; and eight representatives of tribal governments or entities, appointed by the Indian Affairs Department. The chair of the advisory council shall be elected by the members of the advisory council.

Powers and Duties: Section 9-15-58 NMSA 1978: advises the Sustainable Economy Task Force on developing and achieving the goals of the strategic plan provided in Section 9-15-59 NMSA 1978.

Duplication, Similarity or Connection with Other Agencies: Economic Development Department.

Category: Commerce and Economic Development

Technology and Innovation Network Advisory Board

Statutory Reference: Section 9-15-15.4 NMSA 1978 (Economic Development Department Act).

Organizational Status: Created in the Technology and Innovation Division of the Economic Development Department. The board consists of an executive committee and any subcommittees created by the executive committee.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Unspecified; public members are entitled to receive per diem and mileage as provided in the Per Diem and Mileage Act and receive no other compensation, perquisite or allowance.

Membership: The board is composed of: the secretary of economic development or the secretary's designee, who serves as chair; 11 members collectively referred to as "core members", including the president of the New Mexico Independent Community Colleges or that president's designee, the president of the New Mexico Chamber of Commerce or that president's designee and one representative each from Sandia National Laboratories, Los Alamos National Laboratory, the United States Air Force Research Laboratory, New Mexico State University, the University of New Mexico, the University of New Mexico Health Sciences Center, the New Mexico Institute of Mining and Technology, Navajo Technical University and Central Community College; a representative from each center of excellence established pursuant to Section 21-1-27.11 NMSA 1978 who is not otherwise represented on the board; and the following public members appointed by the secretary: one representative from a skilled trades association in New Mexico, one representative from a regional economic development organization, one representative from an Indian nation, tribe or pueblo, one representative from the private equity industry with at least five years of relevant experience, one representative from the venture capital industry with at least five years of relevant experience, one representative from the private sector who owns a business and cannot be classified as a representative of employers or employees, one representative from a New Mexico business incubator or accelerator with at least five years of relevant experience and eight members who are industry alliance members or have at least five years of relevant experience working in entrepreneurial support, with two representatives from each of the following four target sectors: aerospace and space, biosciences, clean energy and water and advanced computing.

The board meets not less than quarterly at the call of the chair or at the request of two-fifths of its membership to carry out its duties. A majority of the members constitutes a quorum for the transaction of business, and the support of a majority of the quorum is required for

adoption of any action. Board member terms are four years, and the initial terms are staggered so that the terms of one-half of the members expire at the end of the initial two years and the terms of the remaining members shall expire at the end of the initial four years. In the event of a vacancy on the board, a new member shall be appointed by the original appointing authority for the remainder of the unexpired term. A member may be removed by the secretary or by a two-thirds' vote of the executive committee members. Each member of the board must, pursuant to a policy adopted by and on forms required by the executive committee of the board, disclose conflicts of interest annually.

Within the board is created an executive committee, composed of the following board members: the chair; two core members; two of the public members appointed by the secretary; and one representative from each of the four target sectors (aerospace and space, biosciences, clean energy and water and advanced computing). A subcommittee is composed of two representatives from the corresponding target sector, one representative from a laboratory, one representative from a university, one representative from private industry and the secretary or the secretary's designee to serve as chair.

Powers and Duties: Section 9-15-15.4 NMSA 1978: assists in the guidance and ongoing strategic planning of the division; provides to the division recommendations for strategic engagement, industry perspective, sectors that the division should make target sectors and feedback on the division's programs and initiatives; assists with ensuring active engagement between the state and private sector; assists the division with administering the Research, Development and Deployment Fund Act; and publishes annual performance reports by December of each year.

Section 9-15-15.5 NMSA 1978: the executive committee oversees the board's operations, sets meeting agendas, reviews and approves subcommittee recommendations and makes time-sensitive decisions between board meetings. A subcommittee develops sector-specific metrics and goals, reviews and assesses relevant grant proposals, monitors sector performance and trends, prepares annual reports and identifies cross-sector opportunities.

Duplication, Similarity or Connection with Other Agencies: Economic Development Department.

Category: Commerce and Industry

Tourism Commission

Statutory Reference: Section 9-15A-8 NMSA 1978 (Tourism Department Act).

Organizational Status: Administratively attached to the Tourism Department.

Policy or Advisory? Policy-advisory

Rulemaking Authority? Yes, for its own operation.

Federal Mandate? No

Senate Confirmation? Yes

Sunset? No

Funding: Indirect through the Tourism Department; statutory per diem and mileage.

Membership: Seven members appointed by the governor and confirmed by the senate: no more than four members shall be from the same political party; at least one Native American; two members appointed from each congressional district; and the seventh member appointed at large. Terms are seven years; the governor appoints the chair; and the commission meets at the call of the chair not less than once each quarter. Removal only for incompetence, neglect of duty or malfeasance in office; the senate has exclusive original jurisdiction over removal proceedings.

Powers and Duties: Section 9-15A-8 NMSA 1978: provides advice to the department on policy matters and annually approves and updates the state's five-year tourism plan.

Section 9-15A-9 NMSA 1978: develops and recommends policies and provides policy and program guidance; reviews, modifies and approves annual updates to the five-year plan generated by the department; and establishes rules for its own operation.

Duplication, Similarity or Connection with Other Agencies: Tourism Department; Economic Development Commission.

Category: Commerce and Industry

Trade Ports Advisory Committee

Statutory Reference: Section 9-15F-5 NMSA 1978 (Trade Ports Development Act).

Organizational Status: The Economic Development Department provides necessary administrative services to the committee.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Unspecified; members who are not public employees are entitled to per diem and mileage as provided in the Per Diem and Mileage Act but receive no other compensation, perquisite or allowance.

Membership: Twelve members, including: the secretary of economic development or the secretary's designee; the secretary of finance and administration or the secretary's designee; the secretary of energy, minerals and natural resources or the secretary's designee; the secretary of environment or the secretary's designee; a representative of the Public Regulation Commission appointed by the commission; the secretary of transportation or the secretary's designee; the chief executive officer of the New Mexico Finance Authority or the officer's designee; and five public members appointed by the New Mexico Legislative Council who have experience in law, architecture, planning, utilities, transportation or economic development. The members select a chair, who is a public member and serves a two-year term. The public members appointed initially draw lots for staggered terms in such a way that two members serve for six years, two members serve for four years and one member serves for two years. Thereafter, the public members serve for six-year terms. A vacancy in a term of a public member of the committee shall be filled by the New Mexico Legislative Council for the remainder of the original term.

A member of the committee shall not participate in or influence a decision by the committee in which that member has a conflict of interest, pecuniary interest or other disqualifying interest respecting a public-private partnership agreement or a trade port project that is considered by the committee. All members of the committee shall certify annually and in writing compliance with this requirement.

Powers and Duties: Section 9-15F-6 NMSA 1978: meets quarterly and at such other times as deemed necessary by the chair; reviews and recommends approval, modification or disapproval of specific geographic areas to be designated as trade port districts; reviews and recommends approval, modification or disapproval of proposed public-private partnership agreements for a trade port project; recommends modification or termination of existing approvals or designations for failure to meet the requirements of the Trade Ports Development Act; recommends the

promulgation of rules establishing the application process and criteria for the approval of public-private partnership agreements in accordance with the provisions of the State Rules Act; recommends approval or disapproval of applications for grants or loans from the Trade Ports Development Fund for trade port projects; consults with state agencies on technical issues relevant to the committee's consideration of an application; and requests updates to any technical information, including any annual certification, provided in connection with an approved application or designation.

Duplication, Similarity or Connection with Other Agencies: Economic Development Department.

Category: Commerce and Industry

Unemployment Compensation Board of Review

Statutory Reference: Section 51-1-8 NMSA 1978 (Unemployment Compensation Law).

Organizational Status: Created within the Workforce Solutions Department.

Policy or Advisory? Appeals review.

Rulemaking Authority? No

Federal Mandate? Yes

Senate Confirmation? For gubernatorial appointees.

Sunset? No

Funding: Federal funds.

Membership: Three members as follows: an employee of the department, appointed by the secretary, who serves as chair; and one person representing employers and one person representing employees, both of whom are appointed by the governor with the advice and consent of the senate to serve at the governor's pleasure for four-year terms. The board meets at the call of the chair. Vacancies occurring between legislative sessions shall be filled by the governor until the next regular legislative session. Gubernatorial appointees may be removed by the governor.

Other: Statute appears to provide per diem and mileage plus $15.00 per hour for the two appointees; maximum $12,000 per fiscal year.

Powers and Duties: Section 51-1-8 NMSA 1978: hears and reviews unemployment compensation appeals cases referred to it by the secretary; and may modify, affirm or reverse the decision of the hearing officer or remands to the claims examiner, the tax representative or the hearing officer for further proceedings. Board decisions are final administrative decisions of the department.

Section 51-1-28 NMSA 1978: administers oaths and affirmations; takes depositions; certifies to official acts; and issues subpoenas.

Duplication, Similarity or Connection with Other Agencies: None noted, given its appeals duties.

Category: Commerce and Industry

Unemployment Compensation State Advisory Council and Other Industry and Special Councils

Statutory Reference: Section 51-1-25 NMSA 1978 (Unemployment Compensation Law).

Organizational Status: Unspecified

Policy or Advisory? Advisory to the Workforce Solutions Department.

Rulemaking Authority? No

Federal Mandate? Yes

Senate Confirmation? No

Sunset? No

Funding: Federal funds.

Membership: Composed of an equal number of employer and employee representatives and members representing the general public, appointed by the secretary of workforce solutions.

Other: Section 51-1-25 NMSA 1978: council membership varies. The statute provides that members are compensated for wage loss sustained for attendance at formal meetings of the council or duly constituted committees and for travel expenses. The department reports that federal money is spent for the chair to go to Washington, D.C.

Powers and Duties: Section 51-1-25 NMSA 1978: aids the department in formulating policies and discussing problems relating to the administration of the Unemployment Compensation Law and ensuring impartiality and freedom from political influence in the solution of such problems.

Section 51-1-26 NMSA 1978: advises the secretary on employment stabilization.

Duplication, Similarity or Connection with Other Agencies: Workforce Solutions Department.

Category: Commerce and Industry

Work and Save Board, New Mexico

Statutory Reference: Section 58-33-3 NMSA 1978 (New Mexico Work and Save Act).

Organizational Status: Administratively attached to the Office of the State Treasurer.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: No direct appropriation; statutory per diem and mileage; members do not receive a salary.

Membership: Nine voting members, including: two members appointed by the state treasurer as follows: one member who has skill, knowledge and experience in the field of retirement saving and investments; and one member who has skill, knowledge and experience in retirement investment products or retirement plan designs; three members appointed by the governor as follows: one member who is a representative of an association representing employees; one member who is a representative of small businesses; and one member who is a representative of the interests of program participants; two members appointed by the speaker of the house of representatives as follows: one member who is a representative of the interests of program participants; and one member who has skill, knowledge and experience in the field of retirement saving and investments; and two members appointed by the president pro tempore of the senate as follows: one member who is a representative of the interests of program participants; and one member who has skill, knowledge and experience in the field of retirement saving and investments.

The appointing authorities shall appoint the first members of the board for staggered terms so that the state treasurer appoints one member for two years and one member for four years, the governor appoints two members for two years and one member for four years, the speaker of the house of representatives appoints one member for two years and one member for four years and the president pro tempore of the senate appoints one member for two years and one member for four years. Thereafter, members of the board shall be appointed for four-year terms. A board member shall be eligible for reappointment, provided that a board member shall not serve more than three full terms, consecutive or otherwise. Members shall serve until their successors have been appointed. If there is a vacancy for any reason, the appointing authority shall appoint a qualified person to fill the unexpired term. The appointing authority may remove a member of the board that it has appointed for neglect of a duty required by law, for incompetency, for malfeasance or for unprofessional conduct.

Powers and Duties: Section 58-33-4 NMSA 1978: provides for the design, establishment and operation of the New Mexico work and save IRA program; provides for the design, establishment and operation of the New Mexico retirement plan marketplace; acts in accordance with best practices for retirement saving vehicles; encourage participation, saving, sound investment practices and appropriate selection of investment options, including any default investments; develops and implements an education and outreach plan; develops and implements an investment policy; and establishes procedures for the timely and fair resolution of any disputes related to accounts or program operation. The board may: promulgate rules as necessary and appropriate to carry out the provisions of the New Mexico Work and Save Act consistent with the Internal Revenue Code and rules adopted in accordance with that code, including ensuring that the New Mexico work and save IRA program satisfies all criteria for favorable tax treatment and complies with all applicable federal and state laws; enter into contracts, agreements, memorandums of understanding or other arrangements with private or nonprofit entities or with this or any other state or their agencies or instrumentalities to operate or manage any part of the New Mexico work and save IRA program or the New Mexico retirement plan marketplace, including combining resources, investments or administrative functions; sue and be sued in its name; fix, revise and collect fees and other charges in connection with the New Mexico retirement plan marketplace or the New Mexico work and save IRA program; contract with private and public entities and professionals, technology entities or professionals, financial institutions, depositories, financial service providers, consultants, actuaries, attorneys, auditors, investment advisers, investment administrators, investment management firms, other investment firms, third party administrators and other professionals as may be appropriate or required; make and execute contracts, agreements or instruments necessary or convenient in the exercise of the powers and functions granted the board by the New Mexico Work and Save Act; provided that the board may delegate that power to the executive director and may limit the scope of that delegation; invest and reinvest its funds in accordance with applicable state and federal law; and collaborate with and evaluate the role of financial service providers, advisors or other financial professionals and financial institutions, including those assisting and providing guidance to program participants.

Duplication, Similarity or Connection with Other Agencies: Office of the State Treasurer.

Category: Commerce and Industry

Workers' Compensation and Occupational Disease Disablement, Advisory Council on

Statutory Reference: Section 52-1-1.2 NMSA 1978 (Workers' Compensation Act).

Organizational Status: Unspecified; created in the Workers' Compensation Administration.

Policy or Advisory? Advisory, but appoints a committee to designate health care providers.

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Indirect through the Workers' Compensation Administration; statutory per diem and mileage.

Membership: Six voting members, three representing employers and three representing workers, appointed by the governor for four-year terms; none shall be attorneys. The director of the Workers' Compensation Administration is an ex-officio, nonvoting member. Members shall meet at least twice each year.

Powers and Duties: Section 52-1-1.2 NMSA 1978: annually reviews workers' compensation and occupational disease disablement and issues a report of its findings and conclusions; may make recommendations relating to the adoption of rules and legislation and the method and form of statistical data collections; may monitor the performance of the system; and appoints a committee for two-year terms composed of three members representing workers and three members representing employers, none of whom shall be an attorney, to designate an approved list of health care providers to conduct independent medical examinations.

Duplication, Similarity or Connection with Other Agencies: Workers' Compensation Administration.

Category: Commerce and Industry

Workforce Development Board, State

Statutory Reference: Section 50-14-3 NMSA 1978 (Workforce Development Act).

Organizational Status: Unspecified

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? Yes, the federal Workforce Investment Act of 1998.

Senate Confirmation? No

Sunset? No

Funding: Indirect federal and state funds; statutory per diem and mileage.

Membership: As provided in the federal Workforce Investment Act of 1998, the board consists of members who are no longer specified in state law. Terms of public members are four years; the governor appoints a business representative as chair. Appointments shall be made considering gender, ethnicity and geographic diversity. The board meets at the call of the chair.

Other: A member of the board shall not vote on a matter under consideration by the board relating to the provision of services by the member or by the entity the member represents or that would provide direct financial benefit to the member or the member's immediate family; and members shall not engage in any other activity determined by the governor to be a conflict of interest as provided in the state plan.

Powers and Duties: Section 50-14-4 NMSA 1978: develops a five-year state plan that shall be updated annually and revised in accordance with the requirements of the federal Workforce Investment Act of 1998; develops and improves statewide activities funded pursuant to the workforce investment system and the one-stop delivery system; reviews local plans; comments annually on the measures taken pursuant to Section 113(b)(14) of the federal Carl D. Perkins Vocational and Applied Technology Education Act of 2006; develops allocation formulas for adult and youth employment and training activity funds to local areas; develops comprehensive state performance measures to assess the effectiveness of workforce investment activities; designates local workforce development areas; develops the statewide employment statistics system; and prepares reports and applications required for submission to the federal government. The board also reviews, evaluates and reports annually on the performance of all workforce development activities administered by state agencies involved with workforce development; develops linkages with the Public Education Department and the Higher Education Department to ensure coordination and nonduplication of vocational education, apprenticeship, adult education, employment training programs and vocational rehabilitation programs with other workforce development and training programs; and provides policy advice regarding the application of federal or state law that pertains to workforce development.

The board may establish committees, one of which is a Coordination Oversight Committee. Except for the Coordination Oversight Committee, committee members and duties are assigned by the board. The chair of the board appoints committee chairs from members of the board.

The Coordination Oversight Committee consists of the secretaries of economic development, human services [health care authority], workforce solutions and public education; representatives from community colleges, the Higher Education Department and labor; one senator and one house member from different parties; the director of the office; and a member of the board, who is the chair. The committee considers five-year, 10-year and 15-year regional and statewide strategic plans proposed by the secretaries for employment growth and training. The education secretaries shall propose appropriate education plans that address the strategic plans; the community college member shall solicit input from the community college constituency and work with businesses and other partners and the Economic Development Department to create career pathways and align curriculum and facilities plans with strategic plans of the Economic Development Department, Human Services Department [Health Care Authority] and Workforce Solutions Department. The committee's proposals to the board are to facilitate a career pathways culture. The committee is also responsible for developing and proposing information technology coordination strategies, recommending coordination of program designs to avoid duplication or unproductive segmentation of services and coordination of one-stop centers. All state agencies involved in workforce development activities shall annually submit their goals, objectives and policies for potential inclusion in the five-year plan. The plan shall include recommendations to the legislature on modification, consolidation, initiation or elimination of workforce training and education programs in the state.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: Cultural Affairs

African American Performing Arts Advisory Committee

Statutory Reference: Section 16-6-32 NMSA 1978.

Organizational Status: Administratively attached to the State Fair Commission.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: No direct appropriation; statutory per diem and mileage; members receive no other compensation.

Membership: Five members, including two members from the African American Performing Arts Center Foundation appointed by the executive director of the African American Performing Arts Center and Exhibit Hall; one member from the Cultural Affairs Department appointed by the governor; one member from the Office on African American Affairs appointed by the governor; and one community member who has knowledge of the academic, cultural and historical context of performance art within the African American experience appointed by the director of the Africana studies program at the University of New Mexico. Members serve staggered two-year terms. Vacancies in an appointed member's term shall be filled for the remainder of the unexpired term in the same manner as the original appointment was made.

Powers and Duties: Section 16-6-32 NMSA 1978: makes recommendations to the African American Performing Arts Center Foundation and the executive director and artistic director of the African American Performing Arts Center and Exhibit Hall regarding staffing, operations, maintenance, programming and exhibitions of the African American Performing Arts Center and Exhibit Hall.

Duplication, Similarity or Connection with Other Agencies: State Fair Commission.

Category: Cultural Affairs

Arts Commission, New Mexico

Statutory Reference: Section 18-5-3 NMSA 1978.

Organizational Status: Unspecified

Policy or Advisory? Advisory to the Arts Division of the Cultural Affairs Department.

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Indirect through the Cultural Affairs Department; statutory per diem and mileage.

Membership: Fifteen members broadly representative of all fields of creative and interpretative arts, appointed by the governor for staggered three-year terms. The governor appoints the chair; the commission elects the vice chair and secretary. The commission meets at least four times each year.

Powers and Duties: Section 18-5-5 NMSA 1978: advises the director of the Arts Division, the secretary of cultural affairs and the state government in general when there is not a conflict with other statutory agencies. Specifically charged with providing general art counsel to the governor and the Arts Division. Advises the director on all division policies; the director shall consult with the commission prior to the director's approving, disapproving or modifying the distribution of federal and state program funds and the director shall keep the commission informed of the fiscal affairs of the division.

Section 18-5-6 NMSA 1978: provides the list of candidates from which the secretary of cultural affairs appoints the Arts Division director.

Duplication, Similarity or Connection with Other Agencies: Arts Division of the Cultural Affairs Department.

Category: Cultural Affairs

Cultural Properties Review Committee

Statutory Reference: Section 18-6-4 NMSA 1978 (Cultural Properties Act).

Organizational Status: Unspecified

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Indirect through the Cultural Affairs Department; statutory per diem and mileage.

Membership: Nine members as follows: the state historian; one architectural historian; one historian; one architect; one prehistoric archaeologist; one historic archaeologist; one person in any of the foregoing professions; one person from an Indian nation, tribe or pueblo; and one person representing the general public. Except for the state historian, members are appointed by the governor. An appointed member shall be accomplished in the member's field in the American Southwest and have specialized knowledge of New Mexico. Appointed members serve four-year terms. Meetings are held at least once each quarter. The chair, vice chair and secretary are elected by the committee.

Powers and Duties: Section 18-6-5 NMSA 1978: the committee's primary function is to review proposals for the preservation of cultural properties. Powers and duties include: determining what constitutes historical, archaeological, scientific, architectural and other cultural significance for the purpose of identifying cultural properties that have historical or other cultural significance; preparing and maintaining proper documentation of the historic or other significance of cultural properties; inspecting all registered cultural properties periodically to ensure integrity and proper maintenance; providing recommendations regarding repairs, maintenance and other measures that should be taken to maintain registered status; issuing rules pertaining to identification, preservation and maintenance of registered cultural properties; deleting from the official register any property whose owner does not comply with rules or follow committee recommendations for repair and maintenance or for lack of merit for continued registry; making recommendations to the Cultural Affairs Department and other public cultural property administrators; providing technical advice to private owners, municipalities and counties; cooperating with federal, state, local and private agencies and persons engaged in the administration, development or other work relating to cultural properties; promoting public appreciation of New Mexico's historical and cultural heritage; issuing, with the concurrence of the state archaeologist and the state historic preservation officer, permits for examination or excavation of sites and the collection or removal of objects of antiquity or general scientific interest; providing advice to the state historic preservation officer and the museum director; and making an annual report.

In addition to its primary functions under the Cultural Properties Act, the committee has responsibilities under the Cultural Properties Protection Act, the Historic Preservation Loan Act and the New Mexico Prehistoric and Historic Sites Preservation Act.

Duplication, Similarity or Connection with Other Agencies: Historic Preservation Division of the Cultural Affairs Department.

Category: Cultural Affairs

Farm and Ranch Heritage Museum, Board of the

Statutory Reference: Section 18-11-5 NMSA 1978 (Farm and Ranch Heritage Museum Act).

Organizational Status: Policymaking board of the Farm and Ranch Heritage Museum.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes

Sunset? No

Funding: Indirect through the Cultural Affairs Department; statutory per diem and mileage.

Membership: One nonvoting and 11 voting members. Nine members appointed by the governor with the advice and consent of the senate, five of whom shall be farmers or ranchers and four of whom shall be from the general public. The statute provides: for the submission of appointment lists; that no more than five of the governor's appointments shall be from same political party; and that distribution of places of residence, individual interests and backgrounds shall be considered. Terms are four years, staggered. The following members or their designees have permanent seats: the director of the New Mexico Department of Agriculture; and the dean of the College of Agriculture and Home Economics at New Mexico State University. The division director is the nonvoting member. Removal is limited to misconduct, incompetence, neglect of duty or malfeasance in office; removal shall be made with prior approval of the senate.

Powers and Duties: Section 18-11-7 NMSA 1978: establishes museum policy; determines the mission and directs development of the museum, subject to the approval of the secretary of cultural affairs; exercises trusteeship over museum collections; accepts and holds title to all museum property; cooperates with other agencies, political subdivisions of state, tribal and federal governments, private organizations and individuals to maintain the museum and its programs; imposes admission fees; solicits funds or property; acquires objects relating to farming and ranching that are of interest to the public and real property for museum use or benefit by purchase, donation or bequest; adopts rules governing gifts, donations or loans of exhibits for the museum, the loan of objects and exhibits to qualified institutions and agencies, licensure of the museum's intellectual property and other matters necessary to carry out the provisions of the act; enters into leases for use of museum property for more than 45 days; and reviews annually the performance of the director and reports its findings to the secretary of cultural affairs.

The division director is appointed by the secretary of cultural affairs from a list of candidates provided by the board.

Duplication, Similarity or Connection with Other Agencies: The Farm and Ranch Heritage Museum Division and other museum divisions of the Cultural Affairs Department. The museum

also has a private foundation that raises money for special projects of the museum.

Category: Cultural Affairs

Film Museum, Board of Trustees of the New Mexico

Statutory Reference: Section 18-14-4 NMSA 1978 (New Mexico Film Museum Act).

Organizational Status: Created within the Cultural Affairs Department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes

Sunset? No

Funding: Indirect through the Cultural Affairs Department; statutory per diem and mileage.

Membership: Eleven members appointed by the governor for four-year terms or less so that their terms are coterminous with the governor who appointed them. Members shall be persons who have expertise or have demonstrated a continuing interest in the fields of film, filmmaking or museums; one member is the director of the New Mexico Film Division of the Economic Development Department or the director's designee. The governor shall give due consideration to geographic distribution. The secretary of cultural affairs, or the secretary's designee, serves as an ex-officio nonvoting member. The governor designates the president, who serves at the governor's pleasure; the board elects other officers annually. The members are subject to the advice and consent of the senate.

Powers and Duties: Section 18-14-6 NMSA 1978: exercises trusteeship over the collections of the museum; accepts and holds title to museum property; enters into agreements and contracts; solicits and receives money or property for the development of the museum, its collections and its programs; establishes a film museum foundation; and adopts necessary rules.

Duplication, Similarity or Connection with Other Agencies: Cultural Affairs Department; New Mexico Film Division of the Economic Development Department.

Category: Cultural Affairs

Fort Stanton Development Commission

Statutory Reference: Section 9-6-12 NMSA 1978.

Organizational Status: Administratively attached to the Cultural Affairs Department.

Policy or Advisory? Unspecified, but the commission can expend state funds (Fort Stanton Development Fund).

Rulemaking Authority? Unspecified

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Does not appear to be funded in the general appropriation act; statutory per diem and mileage for appointed members.

Membership: Seven members as follows: the chair of the Lincoln County Board of County Commissioners or the chair's designee; the mayor of Ruidoso or the mayor's designee; the secretary of energy, minerals and natural resources or the secretary's designee; the state historic preservation officer or that officer's designee; and three members who are residents of Lincoln County appointed by the governor. The chair is elected annually from the membership. Appointed members serve staggered six-year terms.

Powers and Duties: Section 9-6-13 NMSA 1978: plans, assembles, disposes of and acquires furnishings, art, landscaping materials and plants and other decorations for the public areas of Fort Stanton; monitors and reports on the status of maintenance and makes recommendations regarding repair, maintenance and renovations; develops statewide interest in Fort Stanton; and develops a comprehensive plan for the most appropriate and beneficial use of the property. May use the assistance of the Cultural Affairs Department, other state agencies, nonprofit charitable corporations and other persons to carry out its duties; may accept gifts, grants and donations; and may publicly promote its endeavors and publish material.

Duplication, Similarity or Connection with Other Agencies: Facilities Management Division of the General Services Department; Historic Preservation Division of the Cultural Affairs Department.

Category: Cultural Affairs

Hispanic Cultural Center, Board of Directors of the National

Statutory Reference: Section 18-12-4 NMSA 1978 (National Hispanic Cultural Center Act).

Organizational Status: Policy board of the Hispanic Cultural Division of the Cultural Affairs Department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes

Sunset? No

Funding: Indirect through the Cultural Affairs Department; statutory per diem and mileage.

Membership: Fifteen members, including 13 public members appointed by the governor with the advice and consent of the senate for staggered four-year terms. The governor shall consider the ethnic, economic and geographic diversity of the state to select individuals who have demonstrated awareness and support for traditional and contemporary Hispanic culture, arts and history and individuals who are knowledgeable in the areas of Hispanic performing, visual and oral arts, genealogy, family issues, education and business and administration. Two appointees are employees of state institutions of higher education or appropriate state agencies. Two private members are appointed by the board of a nonprofit organization that has an operating agreement with the center for one-year terms. The governor designates the board president, who serves at the governor's pleasure. The board may elect other officers from among its membership. The division director serves as an ex-officio, nonvoting member. Public members may be removed for failure to attend three consecutive meetings, neglect of duty, incompetence, unprofessional conduct or violating the act.

Powers and Duties: Section 18-12-5 NMSA 1978: acquires objects relating to Hispanic culture and history of interest to the public and real property for the center's use or benefit by purchase, donation and bequest; exercises trusteeship over collections; accepts and holds title to center property; reviews annually the director's performance and reports findings to the secretary of cultural affairs; adopts rules governing gifts, donations or loans of exhibits to the center, the loan of objects and exhibits to qualified institutions, licensure of the center's intellectual property and other matters necessary to carry out the provisions of the act; enters into leases for use of the center's premises or facilities for more than 45 days; cooperates with other agencies, political subdivisions of state, tribal and federal governments, private organizations and individuals to maintain the museum and its programs; and imposes admission fees.

The board may be party to an operating agreement with a nonprofit organization if the governing board of the nonprofit organization has at least five members and is allowed to

appoint two of its members to the center's board. Those members shall not vote on operating agreement matters.

The division director is appointed by the secretary of cultural affairs from a list of candidates provided by the board.

Duplication, Similarity or Connection with Other Agencies: Hispanic Cultural Division of the Cultural Affairs Department. A private foundation raises money for special projects of the museum.

Category: Cultural Affairs

Intertribal Indian Ceremonial Association Board
(formerly the Intertribal Ceremonial Board)

Statutory Reference: Section 12-16-3 NMSA 1978 (Intertribal Indian Ceremonial Act).

Organizational Status: Unspecified, but the Intertribal Indian Ceremonial Association is administratively attached to the Local Government Division of the Department of Finance and Administration.

Policy or Advisory? Unspecified

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Unknown; statutory per diem and mileage.

Membership: Nine members, including the director of the Intertribal Indian Ceremonial Association, who serves ex officio, and eight members appointed by the governing body of McKinley County who serve five-year terms. All board members shall be bona fide residents of McKinley County or surrounding counties, and at least a majority of them shall be Native American. Members cannot be removed during the term of office except for cause, following notice and the opportunity for a hearing.

Powers and Duties: None

Duplication, Similarity or Connection with Other Agencies: Intertribal Indian Ceremonial Association.

Category: Cultural Affairs

Library Commission, New Mexico State

Statutory Reference: Section 18-2-1 NMSA 1978.

Organizational Status: Unspecified

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Indirect through the Cultural Affairs Department; statutory per diem and mileage.

Membership: Five members, four of whom are appointed by the governor and one of whom is appointed by the Public Education Department. At least one member shall be a professionally trained librarian. Terms are six years, staggered.

Powers and Duties: Section 18-2-2 NMSA 1978: provides advice, upon request, to the state librarian on matters germane to the powers and duties of the state library or the Library Division of the Cultural Affairs Department and any other matters related to libraries.

Duplication, Similarity or Connection with Other Agencies: Library Division.

Category: Cultural Affairs

Martin Luther King, Jr. Commission

Statutory Reference: Section 28-19-1 NMSA 1978.

Organizational Status: Adjunct

Policy or Advisory? Policy

Rulemaking Authority? Unspecified

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: General appropriation act; statute states that members receive no compensation for their services.

Membership: Thirteen members as follows: four members appointed by the governor; one member appointed by the president pro tempore of the senate; one member appointed by the minority leader of the senate; one member appointed by the speaker of the house; one member appointed by the minority leader of the house; the state treasurer; the secretary of state; one Native American appointed by the Indian Affairs Department; the director of the Human Rights Division [Bureau] of the Labor [Workforce Solutions] Department; and the chair of the Public Regulation Commission. Members serve staggered four-year terms. The chair is selected by members. The commission appoints the executive director.

Powers and Duties: Section 28-19-3 NMSA 1978: develops the plan for the commemoration and celebration of the holiday honoring Martin Luther King, Jr.; develops recommendations for specific commemorative activities to be undertaken; coordinates state plans and activities with federal plans and activities; develops, with other agencies, an interpretive program that explores historical, social, political and cultural themes associated with the life and work of Martin Luther King, Jr.; develops and acquires interpretive materials and publications of the significance of Martin Luther King, Jr.'s work and develops commemorative programs for state employees, schoolchildren and the general public; creates a process to facilitate implementation of the master plan project and other recommendations made by the commission; prepares and provides to the general public advice, assistance and information on holiday activities; submits other studies, reports and recommendations to the governor and the legislature; and accepts endowments and bequests.

Duplication, Similarity or Connection with Other Agencies: Office on African American Affairs; Human Rights Commission; Cultural Affairs Department.

Category: Cultural Affairs

Museum Board of Regents

Statutory Reference: Section 18-3-2 NMSA 1978.

Organizational Status: Policymaking board for the Museum of New Mexico, which consists of Santa Fe museums, archaeological services and state monuments.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes

Sunset? No

Funding: Indirect through the Cultural Affairs Department; statutory per diem and mileage. A private foundation raises money for special projects.

Membership: Nine members appointed by the governor with the advice and consent of the senate; appointments shall give consideration to geographical distribution of members; and members shall be conversant with and show continuing interest in history, fine arts, Indian art, folk art or anthropology. Terms are staggered for six years or less.

Powers and Duties: Section 18-3-3 NMSA 1978: elects officers; establishes policy and directs development subject to approval of the secretary of cultural affairs; solicits funds; exercises trusteeship over museum collections; holds title to all property for museum use; acquires objects of historic, archaeological and ethnological interest and works of fine art, folk art and craft; acquires real property for museum use or benefit; adopts rules governing gifts, donations or loans of exhibit or collection material for the museum, loaning museum collections, licensure of the museum's intellectual property and other matters necessary to carry out the provisions of Chapter 18, Article 3 NMSA 1978; enters into leases for use of museum premises or facilities for more than 45 days; cooperates with other agencies, political subdivisions, federal governments, private organizations and individuals to maintain the museum and its programs; imposes admission fees; and reviews annually the performance of directors and reports findings to the secretary of cultural affairs.

Section 18-3-3.1 NMSA 1978: establishes admission policy for senior citizens, including free admission for residents over 60 years old every non-holiday Wednesday.

The directors of the New Mexico Museum of Art Division, the Palace of the Governors State History Museum Division, the Museum of Indian Arts and Culture Division, the Museum of International Folk Art Division, the Museum Resources Division and the State Historic Sites and Monuments Division are appointed by the secretary of cultural affairs from lists provided by the board of regents.

Duplication, Similarity or Connection with Other Agencies: Other divisions and the Cultural Affairs Department.

Category: Cultural Affairs

Music Commission

Statutory Reference: Section 18-16-3 NMSA 1978 (Music Commission Act).

Organizational Status: Administratively attached to the Arts Division of the Cultural Affairs Department.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: None; members do not receive per diem and mileage or any other compensation, perquisite or allowance.

Membership: Fifteen members appointed by the governor for staggered three-year terms who are residents, broadly representative of the various fields of music and widely known for their professional competence and experience. The governor appoints the chair, and the commission may appoint other officers. The commission shall hold at least four meetings each calendar year.

Powers and Duties: Section 18-16-4 NMSA 1978: advises the division, the department, other state agencies and the governor concerning the protection, promotion and preservation of music and the music industry in New Mexico; advises the division on music-related policies; advises and assists public agencies in elevating the role of music in New Mexico; fosters appreciation of the value of music; makes New Mexico a music destination both for visitors and music professionals; encourages the educational, creative and professional musical activities of the residents of New Mexico and attracts outstanding musicians to New Mexico through appropriate programs of publicity, education and coordination and through direct activities, such as sponsorship of music; protects, promotes and preserves the musical traditions of New Mexico; and accepts, on behalf of the state, donations of money, property and other things of value as, in the division's discretion, are suitable and will best further the aims of the Music Commission Act.

Duplication, Similarity or Connection with Other Agencies: Arts Division of the Cultural Affairs Department.

Category: Cultural Affairs

Natural History and Science, Board of Trustees of the New Mexico Museum of

Statutory Reference: Section 18-3A-5 NMSA 1978 (Natural History and Science Museum Act).

Organizational Status: Policymaking board for the Natural History and Science Museum.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes

Sunset? No

Funding: Indirect through the Cultural Affairs Department; statutory per diem for public members, which is not allowed for private members. A private foundation raises money for special projects of the museum.

Membership: Thirteen members, including 11 public members appointed by the governor with the advice and consent of the senate for four years or less coterminous with the current term of the appointing governor as follows: no fewer than two employees of the state institutions of higher learning; no fewer than two members from the science community; and no fewer than two members from the natural history community. Two private members shall be appointed by the board of the New Mexico Museum of Natural History Foundation for terms of one year or less. The director of the division is an ex-officio, nonvoting member. The president of the board is designated by the governor and serves at the pleasure of the governor; other officers are elected annually.

Powers and Duties: Section 18-3A-7 NMSA 1978: exercises trusteeship over the museum collection; accepts and holds title to museum property; acquires objects of natural history and science of interest to the public and real property for museum use or benefit by purchase, donation or bequest; reviews annually the performance of the director and reports to the secretary of cultural affairs; authorizes the director to solicit and receive funds or property; solicits funds and property; imposes admission fees; adopts rules to carry out powers and duties; and establishes museum policy, determines the mission and directs development, subject to the decision of the secretary of cultural affairs.

The division director is appointed by the secretary of cultural affairs from a list provided by the board of trustees.

Duplication, Similarity or Connection with Other Agencies: Natural History and Science Museum Division of the Cultural Affairs Department.

Category: Cultural Affairs

Semiquincentennial Commission

Statutory Reference: Section 9-4A-24 NMSA 1978 (Cultural Affairs Department Act).

Organizational Status: Created in the Cultural Affairs Department.

Policy or Advisory? Unspecified

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes; December 31, 2026.

Funding: Public members receive statutory per diem and mileage.

Membership: Fifteen members, including the governor, who serves as honorary chair; the lieutenant governor or designee; the president pro tempore of the senate or designee; the speaker of the house of representatives or designee; the secretary of cultural affairs or designee; the secretary of higher education or designee; the secretary of Indian affairs or designee; the secretary of public education or designee; the secretary of tourism or designee; the adjutant general of the New Mexico National Guard or designee; the state historian, who shall convene the first meeting; and four public members appointed by the governor. Public members shall serve for the life of the commission and serve at the pleasure of the governor. Vacancies shall be filled in the same manner in which the original appointment was made.

Powers and Duties: Section 9-4A-24 NMSA 1978: plans, promotes and implements public celebrations and commemorations of the two hundred fiftieth anniversary of the Declaration of Independence and the two hundred fiftieth anniversary of the founding of the United States of American on July 4, 2026.

Duplication, Similarity or Connection with Other Agencies: Cultural Affairs Department.

Category: Cultural Affairs

Space History Commission, New Mexico Museum of

Statutory Reference: Section 18-7-2 NMSA 1978.

Organizational Status: Policymaking board of the Museum of Space History.

Policy or Advisory? Policy

Rulemaking Authority? Unspecified

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Indirect through the Cultural Affairs Department; statutory per diem and mileage. A private foundation raises money for special projects of the museum.

Membership: Eleven members appointed by the governor. Membership is composed of geographically diverse residents of the state that are proficient in the scientific study of space, museums or other relevant subject areas. Terms are staggered and for three years.

Powers and Duties: Section 18-7-3 NMSA 1978: establishes policy, determines the mission and directs development of the Museum of Space History subject to approval of the secretary of cultural affairs; holds title to property; exercises trusteeship over collections; acquires objects relating to the history of rocketry, space flight, astronomy and related fields of interest; acquires real property for museum use or benefit; solicits funds; adopts rules governing gifts, donations or loans of exhibits to the center, the loan of objects and exhibits to qualified institutions, licensure of the center's intellectual property and other matters necessary to carry out the provisions of Chapter 18, Article 7 NMSA 1978; enters into leases for use of the center's premises or facilities for more than 45 days; cooperates with other agencies, political subdivisions of state, tribal and federal governments, private organizations and individuals to maintain the museum and its programs; imposes admission fees; and reviews annually the performance of the director.

Section 18-7-3.1 NMSA 1978: establishes an admission policy for senior citizens, including free admission for residents over 60 years of age every non-holiday Wednesday.

Duplication, Similarity or Connection with Other Agencies: Museum of Space History Division of the Cultural Affairs Department.

Category: Education, Higher

Community Governance Attorney Commission

Statutory Reference: Section 21-21Q-4 NMSA 1978 (Community Governance Attorney Act).

Organizational Status: Unspecified; administered by the Higher Education Department.

Policy or Advisory? Advisory

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: General appropriation act; other state funds = Community Governance Attorney and Conditional Tuition Waiver Fund; statutory per diem and mileage; members receive no other compensation.

Membership: Five members, including the secretary of higher education or the secretary's designee, the dean of the University of New Mexico School of Law or the dean's designee; one member who is a member of an acequia; one member who is a current or past member of the Land Grant Council; and one member who is a current or past member of the Colonias Infrastructure Board and is a resident of a colonia.

Powers and Duties: Section 21-21Q-4 NMSA 1978: makes recommendations to the Higher Education Department on applicants for the program; advises the department on the adoption of rules; solicits proposals for disbursement from the fund; and enters into contracts for the purpose of providing community governance attorney services for acequias, land grants-mercedes and low-income residents of colonias on issues regarding the governance of colonias.

Duplication, Similarity or Connection with Other Agencies: Higher Education Department.

Category: Education, Higher

Education, State Commission on Post-Secondary

Statutory Reference: Section 21-2-3 NMSA 1978 (Post-Secondary Educational Planning Act).

Organizational Status: Post-secondary planning agency.

Policy or Advisory? Policy

Rulemaking Authority? Unspecified

Federal Mandate? Not per se; however, the Higher Education Department is designated as the agency for certain federal programs.

Senate Confirmation? No

Sunset? No

Funding: N/A

Membership: The Higher Education Department serves as the State Commission on Post-Secondary Education.

Powers and Duties: Section 21-2-3 NMSA 1978: is charged with concern for all types of post-secondary education and all types of educational institutions and programs; when federal law or regulations require, the commission may request that the governor name supplementary members to the commission.

Section 21-2-4 NMSA 1978: may establish committees or task forces and may use existing agencies or organizations to make studies, conduct surveys, submit recommendations or otherwise contribute expertise.

Section 21-2-5 NMSA 1978: carries out a continuing program of statewide planning for post-secondary education planning, including specific activities delineated in the section.

Section 21-2-6 NMSA 1978: consults with and invites active participation of representatives of higher, public and vocational education; state agencies; and commerce, industry and labor.

Section 21-2-7 NMSA 1978: submits an annual report.

Sections 21-2-8 and 21-2-9 NMSA 1978: is the designated state agency for certain federal programs.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: Education, Higher

Education Trust Board

Statutory Reference: Section 21-21K-4 NMSA 1978 (Education Trust Act).

Organizational Status: Administratively attached to the Higher Education Department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Administrative fee revenue from account holders; statutory per diem and mileage.

Membership: Five members as follows: the secretary of higher education, who serves as chair, or the secretary's designee; two members appointed by the governor; one member representing institutions of higher education appointed by the speaker of the house of representatives; and one member representing students at institutions of higher education appointed by the president pro tempore of the senate. Appointed members shall possess knowledge of and skill and experience in higher education, business or finance. Terms are six years, except for the member representing students, who has a two-year term.

Other: The department is required to provide administrative support.

Powers and Duties: Section 21-21K-3 NMSA 1978: administers the college savings program; administers the Education Trust Fund; and may contract with one or more managers to invest the contributions deposited to the Education Trust Fund.

Section 21-21K-4.1 NMSA 1978: may adopt, amend or repeal and promulgate rules to carry out the act; may sue and be sued; may enter into contracts; may employ or contract for professional, technical and clerical staff and independent counsel; may contract with financial institutions; may enter into college savings agreements; may charge, impose and collect administrative fees; carries out provisions of the Education Trust Act; and adopts and promulgates Education Trust Fund investment guidelines.

Section 21-21K-5 NMSA 1978: may enter into college investment agreements with account owners; sets forth procedures relating to the withdrawal of money from an account; specifies appropriate provisions for the term and termination of college investment agreements; and notifies each account owner annually about individual account status.

Section 21-21K-7 NMSA 1978: submits annual reports to the governor and the appropriate interim legislative committees; and provides reports to account holders.

Duplication, Similarity or Connection with Other Agencies: Higher Education Department; State Investment Council; state treasurer; Educational Assistance Foundation.

Category: Education, Higher

Graduate Medical Education Expansion Review Board

Statutory Reference: Section 24A-7-4 NMSA 1978 (Graduate Medical Education Expansion Grant Program Act).

Organizational Status: Unspecified; the Health Care Authority provides staff support.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Other state funds = Graduate Medical Education Expansion Grant Program Fund; members shall receive no compensation.

Membership: Nine members who shall be appointed by the Health Care Authority that include representation from each accredited osteopathic and allopathic medical school and from the following groups: the Health Care Authority; the Higher Education Department; hospitals, primary care consortiums and medical organizations; and osteopathic and allopathic medical professional societies and organizations.

Powers and Duties: Section 24A-7-4 NMSA 1978: develops a state strategic plan for expanding graduate medical education training programs; reviews grant applications and grants awarded; and provides recommendations to the secretary of health care authority.

Duplication, Similarity or Connection with Other Agencies: Health Care Authority; Higher Education Department.

Category: Education, Higher

Higher Education Advisory Board

Statutory Reference: Section 9-25-10 NMSA 1978 (Higher Education Department Act).

Organizational Status: Administratively attached to the Higher Education Department, with administrative staff provided by the department.

Policy or Advisory? Advisory

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Indirect through the department; statutory per diem and mileage.

Membership: The secretary of higher education appoints 14 members, giving due regard to geographic representation, cultural diversity and the composition of higher education institutions in the state. Four members shall represent four-year institutions, one each from the University of New Mexico, New Mexico State University and New Mexico Institute of Mining and Technology and one from either Eastern New Mexico University, Western New Mexico University or New Mexico Highlands University. Three members shall represent two-year institutions; one member shall represent accredited private post-secondary institutions; one member shall represent business; one member shall represent college and university faculty; one member shall represent nonfaculty staff; one member shall be a college or university student; one member shall represent tribal colleges; and one member shall represent Indian nations, tribes and pueblos. The institutional representatives shall be the chief executive officers or their designees. The faculty, nonfaculty staff and student members shall be the leaders of their organizations. The student member serves a two-year term, and other members serve four-year terms. Terms are staggered. The board annually elects a chair, vice chair and secretary. The board meets at the call of the chair at least quarterly.

Powers and Duties: Section 9-25-10 NMSA 1978: advises the department and the governor on policy matters and performs other functions as provided by law.

Duplication, Similarity or Connection with Other Agencies: Higher Education Department; Public Education Commission.

Category: Education, Higher

Public Service Law Advisory Committee

Statutory Reference: Section 21-22F-8 NMSA 1978 (Public Service Law Loan Repayment Act).

Organizational Status: Advisory to the Higher Education Department.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: No direct appropriation; per diem and mileage not statutory.

Membership: The dean of the University of New Mexico School of Law or the dean's designee; the executive director of New Mexico Legal Aid, or the executive director's designee, who is an attorney employed with a 501(c)(3) civil legal services organization; the chief public defender or the chief public defender's designee; a district attorney appointed by the New Mexico District Attorney's Association; and a financial aid or career services officer of the University of New Mexico School of Law designated by the dean.

Powers and Duties: Section 21-22F-8 NMSA 1978: makes recommendations to the department on applicants for the program; advises the department on the adoption of rules to implement the provisions of the Public Service Law Loan Repayment Act; and gives other advice or assistance as requested.

Duplication, Similarity or Connection with Other Agencies: Higher Education Department; Educational Assistance Foundation.

Category: Education, Higher

Regents for State Educational Institutions, Boards of

(Eastern New Mexico University, New Mexico Highlands University, New Mexico Institute of Mining and Technology, New Mexico Military Institute, New Mexico School for the Blind and Visually Impaired, New Mexico School for the Deaf, New Mexico State University, Northern New Mexico College, University of New Mexico and Western New Mexico University.)

Statutory Reference: Article 12, Section 13 of the Constitution of New Mexico; pertinent articles of Chapter 21 NMSA 1978.

Organizational Status: Independent

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes

Sunset? No

Funding: General appropriation act; members' per diem and mileage included in institution budgets.

Membership: Five members appointed by the governor with the advice and consent of the senate, no more than three of whom shall have the same political affiliation. One of the five regents at Eastern New Mexico University, New Mexico Highlands University, New Mexico Institute of Mining and Technology, New Mexico State University and Western New Mexico University is a student. Nonstudent regents shall be qualified electors of the state, and their terms are six years, staggered. Student regents are appointed from lists provided by the presidents of the institutions and serve two-year terms. New Mexico Military Institute and Northern New Mexico College regents are all qualified electors. At least one regent at the New Mexico School for the Blind and Visually Impaired shall be visually impaired, and one regent shall be a parent of a visually impaired child. At least one regent at the New Mexico School for the Deaf shall be a deaf person, and at least one regent shall be the parent of a deaf child. Removal is only for incompetence, neglect of duty or malfeasance in office. The New Mexico Supreme Court has exclusive original jurisdiction over proceedings to remove members, and its decision is final.

University of New Mexico Membership: Seven members appointed by the governor with the advice and consent of the senate, six of whom are qualified electors and one of whom shall be a student; no more than four shall be from the same political party. Terms and other provisions are the same as the other institutions.

Powers and Duties: Article 12, Section 13 of the Constitution of New Mexico: charged with the management and control of the school, the care and preservation of all school property, the

construction of all necessary facilities and the disbursement and expenditure of all money received by the respective institution. The board may sue and be sued, contract and be contracted with and make and use a common seal as well as alter that seal at pleasure. The board hires a president for the university as its chief executive officer and determines the scope of the president's duties and authority. The board may also fix the salaries of professors, teachers and other employees as well as the tuition fees paid by students of the college.

Other: See specific statutes for special powers and duties of individual boards of regents.

Duplication, Similarity or Connection with Other Agencies: Each constitutionally created state educational institution has a board of regents that controls and manages the institution.

Category: Education, Other

Carlos Vigil Memorial Board

Statutory Reference: Section 32A-25-3 NMSA 1978 (Carlos Vigil Memorial Act).

Organizational Status: Administratively attached to the Board of Regents of the University of New Mexico.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: General appropriation act; other state funds = Eradicate Bullying Fund; statutory per diem and mileage; members receive no other compensation, perquisite or allowance.

Membership: Five voting members with diverse experience and expertise in administering or delivering services in an organization focused on: preventing bullying or suicide; providing counseling and support services to victims and perpetrators of bullying; professional development workshops on the topic of bullying or suicide prevention; coalescing and leading communities; or administering or delivering public health services. The president pro tempore and minority floor leader of the senate and the speaker and minority floor leader of the house of representatives appoint one member each; and the governor appoints one member from the Department of Health. A quorum elects the chair. The board meets at the call of the chair or whenever two members submit a request in writing to the chair, but not less than once a year. Members serve two-year terms and are eligible for reappointment. Vacancies are filled by appointment of the governor.

Powers and Duties: Section 32A-25-4 NMSA 1978: adopts and promulgates rules governing acceptance, evaluation and prioritization of applicants for grants to provide services and programs for the prevention, resolution and eradication of bullying statewide; reviews grant applications from public agencies, institutions and nonprofit private entities; processes, evaluates and prioritizes applications based on criteria delineated by board rules; and awards grants to the most qualified applicants that can reach a broad spectrum of New Mexicans.

Duplication, Similarity or Connection with Other Agencies: Board of Regents of the University of New Mexico; Department of Health.

Category: Education, Public

Bilingual Multicultural Education Advisory Council

Statutory Reference: Section 22-23-7 NMSA 1978 (Bilingual Multicultural Education Act).

Organizational Status: Unspecified

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: No direct appropriation; statutory per diem and mileage as provided for nonsalaried officers in the Per Diem and Mileage Act.

Membership: Fifteen members serving three-year terms who have technical knowledge of and expertise in bilingual multicultural education and teaching English to English language learners, including five members appointed or designated by the Indian nations, tribes and pueblos to include one member each from the Navajo Nation, the Mescalero Apache Tribe, the Jicarilla Apache Nation, the southern pueblos and the northern pueblos; eight members who represent pre-kindergarten through twelfth grade teachers, principals, superintendents, other education administrators and higher education faculty who are from different geographical areas of the state and at least one of whom has a special education background; and two parents whose students are enrolled in bilingual multicultural education programs. The eight educational and two parent members are selected from a list generated and approved by both the Public Education Department and the existing ad hoc bilingual multicultural education advisory council co-chairs that is representative of various stakeholder groups.

Powers and Duties: Section 22-23-7 NMSA 1978: studies issues of bilingual multicultural education; provides advice to the Public Education Department in the areas of curriculum, instruction, assessment, teacher preparation, teacher evaluation, professional development, licensure and student and family services; strengthens the quality and effectiveness of bilingual multicultural education programs; promotes culturally and linguistically responsive instruction; supports effective classroom teaching; recruits, develops and trains effective bilingual multicultural education teachers; identifies professional development; develops solutions for streamlining and strengthening bilingual multicultural education programs; and develops family and community partnerships.

Duplication, Similarity or Connection with Other Agencies: Public Education Department.

Category: Education, Public

Black Education Advisory Council

Statutory Reference: Section 22-23C-3 NMSA 1978 (Black Education Act).

Organizational Status: Advisory council to the secretary of public education.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: No direct appropriation; statutory per diem and mileage for members who are not paid with public money.

Membership: No more than 23 members appointed by the secretary of public education who are knowledgeable about and interested in the education of Black students, including: three current teachers or school administrators of public schools; three current teachers or school administrators of charter schools; two representatives of post-secondary education, including one representative of teacher preparation programs, appointed in collaboration with the Higher Education Department; three parents of currently enrolled students in public schools, appointed in collaboration with the Office on African American Affairs; three students currently attending a public secondary school, appointed in collaboration with the Office on African American Affairs; one representative of the Higher Education Department; one representative of the Office on African American Affairs; one representative of the Developmental Disabilities Council; and representatives of Black cultural, community and business organizations, other community and business organizations and other interested persons. Members shall be chosen with regard to geographic representation and serve at the pleasure of the secretary of public education.

Powers and Duties: Section 22-23C-4 NMSA 1978: advises the secretary of public education, school districts and charter schools on matters related to improving public school education for Black students, increasing parent involvement and community engagement in the education of Black students and increasing the number of Black high school graduates who succeed in post-secondary academic, professional or vocational education.

Duplication, Similarity or Connection with Other Agencies: Office on African American Affairs; Public Education Department; Higher Education Department.

Category: Education, Public

Data System Council

Statutory Reference: Section 22-1-11 NMSA 1978 (Public School Code).

Organizational Status: Council for the Public Education Department and the Higher Education Department as data system partners.

Policy or Advisory? Advisory, though the council does develop the data management plan.

Rulemaking Authority? No

Federal Mandate? No, but data, particularly longitudinal data, are often prerequisites for federal and other grant applications, including Race to the Top funding.

Senate Confirmation? No

Sunset? No

Funding: N/A

Membership: The data system partners (the Public Education Department and Higher Education Department) convene the council, which includes: the secretary of public education or designee; secretary of higher education or designee; secretary of children, youth and families or designee; secretary of workforce solutions or designee; secretary of economic development or designee; secretary of information technology or designee; secretary of human services [health care authority] or designee; secretary of health or designee; director of the Office of Education Accountability or designee; director of the Public School Facilities Authority or designee; a representative from the Office of the Governor; presidents or designees of one research university, one four-year comprehensive university, two branch colleges and two independent community colleges; at least six public school superintendents or designees from small, medium and large school districts equally; at least three charter school administrators or designees; the director of the Legislative Education Study Committee or designee; and the director of the Legislative Finance Committee or designee.

Powers and Duties: Section 22-1-11 NMSA 1978: meets at least four times each year; creates a management plan that assigns authority and responsibility for the operation of the data system among the educational agencies whose data are included in the data system; assists educational agencies whose data are included in the data system in developing interagency agreements; develops a strategic plan for the data system; and creates policies to ensure that users have prompt and reasonable access to reports generated from the data system, including identification of categories of data system users based on security level, descriptions of the reports that the data system is capable of generating on demand and definitions of the most timely process by which users may retrieve other reports without compromising the security of the data system or the privacy of any person whose personally identifiable information is contained in the data system.

Duplication, Similarity or Connection with Other Agencies: Public Education Department; Higher Education Department.

Category: Education, Public

Family and Youth Resource Advisory Committee

Statutory Reference: Section 22-2D-2 NMSA 1978 (Public School Code).

Organizational Status: Advisory to the Public Education Department.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Indirect through the department budget; statutory per diem and mileage for nonstate members.

Membership: The secretary of public education, the secretary of health, the secretary of human services [health care authority] and the secretary of children, youth and families, or their designees, and the following members appointed by the secretary of public education: one representative each from four different local community-based organizations, including faith-based providers, involved in the provision of health or social services to families and one local superintendent or the superintendent's designee from a school district in which there are more than two schools eligible to participate in family and youth resources programs. The committee shall meet at least once a year; special meetings are at the call of the chair or the request of a majority of the members. The department serves as staff for the committee.

Powers and Duties: Section 22-2D-2 NMSA 1978: recommends guidelines for the creation, implementation and operation of programs; recommends standards and criteria for awarding grants and the form and content of grant applications; and reviews grant applications and makes recommendations within 90 days of receipt of the applications.

Duplication, Similarity or Connection with Other Agencies: Public Education Department; Public Education Commission.

Category: Education, Public

Hispanic Education Advisory Council

Statutory Reference: Section 22-23B-5 NMSA 1978 (Hispanic Education Act).

Organizational Status: Advisory to the secretary of public education.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Unspecified; members may receive per diem and mileage as provided for nonsalaried public officers in the Per Diem and Mileage Act and receive no other compensation, perquisite or allowance.

Membership: No more than 23 members; all are appointed by the secretary of public education and serve at the pleasure of the secretary. Members shall be knowledgeable about and interested in the education of Hispanic students and include: representatives of public schools and post-secondary education and of teacher preparation programs; parents; Hispanic cultural, community and business organizations; other community and business organizations; and other interested persons. In choosing members, the secretary shall give due regard to geographic representation. The council elects its own chair and other officers.

Powers and Duties: Advises the secretary of public education on matters related to improving public school education for Hispanic students, increasing parental involvement and community engagement in the education of Hispanic students and increasing the number of Hispanic high school graduates who succeed in post-secondary academic, professional or vocational education.

Duplication, Similarity or Connection with Other Agencies: Public Education Department; Public Education Commission.

Category: Education, Public

Indian Education Advisory Council

Statutory Reference: Section 22-23A-6 NMSA 1978 (Indian Education Act).

Organizational Status: Advisory to the secretary of public education and the assistant secretary for Indian education.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Indirect through the Public Education Department; statutory per diem and mileage for members.

Membership: Four representatives from the Navajo Nation; one representative each from the Mescalero Apache Tribe and the Jicarilla Apache Nation; two representatives each from the southern pueblos and the northern pueblos; three members representing urban areas, including Albuquerque, Gallup and Farmington; three at-large representatives, one each from the Bureau of Indian Affairs, a Head Start organization and the general public, at least one of whom shall be nontribal but all of whom shall have knowledge of and involvement in the education of tribal students. Members are appointed by the secretary of public education with input from New Mexico tribes and organizations involved in the education of tribal students. The chair is elected by membership.

Powers and Duties: Section 22-23A-6 NMSA 1978: meets semiannually with representatives from all tribes, members of the Public Education Commission, the Office of the Governor, the Indian Affairs Department, the legislature and the secretary of public education to assist in evaluating, consolidating and coordinating all activities related to the education of Indian students.

Duplication, Similarity or Connection with Other Agencies: Public Education Department; Public Education Commission.

Category: Education, Public

Mathematics and Science Advisory Council

Statutory Reference: Section 22-15E-4 NMSA 1978 (Mathematics and Science Education Act).

Organizational Status: Advisory to the Mathematics and Science Bureau of the Public Education Department.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Indirect through the Public Education Department; statutory per diem and mileage.

Membership: Twelve members appointed by the secretary of public education for staggered terms of four years. Using a statewide application process, the secretary appoints members from throughout the state to ensure representation of the state's demographics, including geographic distribution, gender and ethnic diversity and as follows: (1) four members from public schools, including at least two mathematics and science teachers and a school district administrator with experience in mathematics and science curricula; (2) three members from public post-secondary educational institutions with expertise in mathematics or science education; (3) four members from the private sector, including the national laboratories, museums and science- and engineering-based businesses; and (4) one member who represents the New Mexico Partnership for Mathematics and Science Education. Members elect the chair. The council meets at the call of the chair not less than quarterly.

Powers and Duties: Section 22-15E-5 NMSA 1978: advises the Mathematics and Science Bureau on implementation of the bureau's duties pursuant to the act; makes recommendations to the bureau and the department regarding the statewide strategic plan for improving mathematics and science education and advises on its implementation and incorporation into the department's five-year strategic plan for public elementary and secondary education in the state; advises the bureau, the department and the legislature regarding appropriations for mathematics and science education, administration, resources and services, including programs for public school students and staff; works with the bureau to determine the need for improvement in mathematics and science achievement of public school students and makes recommendations to the department on how to meet these needs; and produces an annual report on public elementary and secondary mathematics and science student achievement to be submitted to the department, the governor and the legislature no later than November 30 of each year.

Duplication, Similarity or Connection with Other Agencies: Public Education Department; Public Education Commission.

Category: Education, Public

Military Children Education Compact State Council

Statutory Reference: Section 11-8B-2 NMSA 1978.

Organizational Status: Required under the Interstate Compact on Educational Opportunity for Military Children.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Unspecified; no per diem, mileage or other compensation for members.

Membership: Unspecified in the statute, but the compact requires the following members: the secretary of public education, the superintendent of a school district with a high concentration of military children, one representative from a military installation, one representative from the executive branch of government and other offices and stakeholder groups the state council deems appropriate. A member state that does not have a school district deemed to contain a high concentration of military children may appoint a superintendent from another school district to represent local education agencies on the state council. Also, the compact commissioner and the military family education liaison designated in this article shall be ex-officio, nonvoting members of the state council, unless either is already a full voting member of the state council.

Powers and Duties: Provides for the coordination among its agencies of government, local education agencies and military installations concerning the state's participation in and compliance with the Interstate Compact on Educational Opportunity for Military Children and interstate commission activities. Appoints or designates a military family education liaison to assist military families and the state in facilitating the implementation of the compact.

Duplication, Similarity or Connection with Other Agencies: Public Education Department; Public Education Commission. The compact specifically states that an existing body or board may carry out the charge of the state council.

Category: Education, Public

Public Education Commission

Statutory References: Article 12, Section 6 of the Constitution of New Mexico; Section 9-24-9 NMSA 1978 (Public Education Department Act); Section 22-3B-1 NMSA 1978 (2021 Educational Redistricting Act).

Organizational Status: Administratively attached to the Public Education Department and the administrative staff provided by the department.

Policy or Advisory? Advisory, except for the statutory duty to govern vocational education.

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: General appropriation act; members' per diem and mileage are included in the department budget.

Membership: Ten members elected from districts for staggered four-year terms as provided by law. These commission members shall be residents of the Public Education Commission district from which they are elected. Change of residence of a commission member to a place outside the district from which the member was elected automatically terminates the term of that member. The governor fills vacancies on the commission by appointment of a resident from the district in which the vacancy occurs until the next regular election for membership on the commission. The commission shall meet at the call of the chair at least quarterly. Meetings shall be held in Santa Fe and at other sites at the direction of the commission. The chair, in consultation with the secretary of public education, shall call a meeting at the request of the majority of the members. Members shall not vote by proxy. No member of the commission shall be appointed secretary or be employed by the department. Administrative staff shall be provided by the department, and additional requests for staff services shall be made through the secretary.

Powers and Duties: Article 12, Section 6 of the Constitution of New Mexico is silent on the powers and duties of the commission. A 2003 constitutional amendment gave the newly created Public Education Department the power to determine public school and vocational education policy and to control, manage and direct distribution of school funds and financial accounting for all public schools.

Section 22-2-2.2 NMSA 1978: works with the department to develop and update the five-year strategic plan for public elementary and secondary education in the state; and solicits the input of those who have an interest in public school policy, including local school boards, school districts and school employees, home schooling associations, parent-teacher associations, educational organizations, the Higher Education Department, colleges, universities and

vocational schools, state agencies responsible for educating resident children, juvenile justice agencies, workforce development providers and business organizations. The commission shall also solicit input from local school boards, school districts and the public on policy and governance issues and report its findings and recommendations to the secretary and the legislature and recommend conduct and process guidelines and training curricula for local school boards.

Section 22-14-2 NMSA 1978: the commission is the governing authority and sole state agency for vocational education programs.

Duplication, Similarity or Connection with Other Agencies: Public Education Department.

Category: Education, Public

Public School Capital Outlay Council

Statutory Reference: Section 22-24-6 NMSA 1978 (Public School Capital Outlay Act).

Organizational Status: Unspecified, but includes the Public School Facilities Authority.

Policy or Advisory? Unspecified, but makes policy regarding funding.

Rulemaking Authority? Unspecified, but the council sets annual funding criteria and standards.

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: No direct appropriation; per diem and mileage not statutory.

Membership: The secretary of finance and administration, secretary of public education, governor, president of the New Mexico School Boards Association, director of the Construction Industries Division of the Regulation and Licensing Department, president of the Public Education Commission, director of the Legislative Education Study Committee, director of the Legislative Finance Committee and director of the Legislative Council Service. Members may designate someone to serve in their place. The chair is elected from among members. Meets at the call of the chair.

Powers and Duties: Investigates all applications for assistance from the Public School Capital Outlay Fund and certifies approved applications to the secretary of finance and administration.

Section 22-24-4 NMSA 1978: determines capital expenditures from the Public School Capital Outlay Fund; and authorizes purchase of portable classrooms by the Public School Facilities Authority to be loaned to school districts to meet temporary requirements.

Section 22-24-4.1 NMSA 1978: defines and develops guidelines for school districts to identify outstanding serious deficiencies in school buildings and grounds; develops a methodology for prioritizing correction projects; approves allocations; and enters into construction contracts by June 2005, expending funds no later than June 30, 2007, unless the council determines additional time is necessary.

Sections 22-24-4.3 and 22-24-4.4 NMSA 1978: develops guidelines for roof repair and replacement initiatives and approves projects; and distributes money for making roof corrections; provided that the money is expended no later than September 30, 2008.

Sections 22-24-5 and 22-24-5.1 NMSA 1978: approve applications for grant assistance from the Public School Capital Outlay Fund.

Section 22-24-5.3 NMSA 1978: adopts guidelines to assist school districts in developing and implementing preventive maintenance plans.

Section 22-24-5.4 NMSA 1978: may bring legal action against a school district for failing to maintain or improve district facilities.

Other: Section 22-24-9 NMSA 1978: creates the Public School Facilities Authority under the council to serve as staff to the council; and assists school districts with the development and implementation of five-year facilities plans and preventive maintenance plans, procurement of architectural and engineering services, management and oversight of construction activities and training programs.

Duplication, Similarity or Connection with Other Agencies: The Public Education Department administers the Public School Capital Improvements Fund and the Public School District General Obligation Bonds Loan Fund.

Category: Education, Public
Public School Insurance Authority, Board of Directors of the

Statutory Reference: Section 22-29-5 NMSA 1978 (Public School Insurance Authority Act).

Organizational Status: Adjunct

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: General appropriation act.

Membership: One member selected by the secretary of public education; one school business official selected by school administrators; one board member of the [New Mexico] School Boards Association selected by the association; one superintendent selected by the [New Mexico School] Superintendents' Association; three members selected by the National Education Association and [American] Federation of Teachers; one member selected by the board from lists submitted by educational entities; and three members appointed by the governor. Members serve at the pleasure of the appointing authority, not to exceed three years.

Powers and Duties: Section 22-29-7 NMSA 1978: hires a director; appoints other staff; contracts; and operates the authority.

Duplication, Similarity or Connection with Other Agencies: Risk Management Division of the General Services Department. The Albuquerque Public School District self-insures.

Category: Education, Public

Regional Education Coordinating Councils

Statutory Reference: Section 22-2B-4 NMSA 1978 (Regional Cooperative Education Act).

Organizational Status: Governing body of a regional education cooperative. Regional education cooperatives are individual state agencies administratively attached to the Public Education Department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: General appropriation act.

Membership: Councils are composed of the superintendents or chief administrative officers of local school districts of state-supported educational institutions participating in a cooperative.

Other: Upon authorization by the Public Education Department, local school boards may join with other local school boards or other state-supported educational institutions to create regional education cooperatives to provide education-related services.

Cooperatives submit budgets to the Public Education Department instead of to the Department of Finance and Administration. A council may be designated as a board of finance. Cooperatives are exempt from the Personnel Act.

Powers and Duties: Section 22-2B-5 NMSA 1978: councils oversee the function and operation of a cooperative, adopt a budget and hire a director and other staff.

Duplication, Similarities or Connection with Other Agencies: School districts; regional cooperative centers.

Category: Education, Public

Technology in Education, Council on

Statutory Reference: Section 22-15A-5 NMSA 1978 (Digital Equity in Education Act).

Organizational Status: Advisory to the Public Education Department.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Indirect through the Public Education Department; statutory per diem and mileage.

Membership: Thirteen members appointed by the Public Education Department for staggered four-year terms. Members are: one member from state government with expertise in information technology; the director of the Office of Broadband Access and Expansion of the Department of Information Technology or the director's designee; two members with expertise in school district administration, one member from a large school district and one member from a small school district; two members with expertise in providing technology-based instruction in elementary or secondary schools; one member from a large school district who has expertise in the education of Native American, English language learner, low-income or special education students; one member from a small school district who has expertise in the education of Native American, English language learner, low-income or special education students; one member who is the parent of a school-age child; two members who are public school secondary students, one member from a large school district and one member from a small school district; and two at-large members. Membership should be representative of geographic and cultural diversity.

Powers and Duties: Section 22-15A-7 NMSA 1978: advises the department on the implementation of the act; works with the department to conduct periodic assessments of the need for educational technology and makes recommendations to the department; and promotes collaborative development and implementation of educational technologies, projects and practices to enhance instruction capabilities.

Duplication, Similarity or Connection with Other Agencies: Public Education Department.

Category: Environment and Natural Resources

Clean and Beautiful Advisory Committee, New Mexico

Statutory Reference: Section 67-16-4 NMSA 1978 (Litter Control and Beautification Act).

Organizational Status: Unspecified

Policy or Advisory? Advisory to the Tourism Department.

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: None; members do not receive per diem and mileage or any other compensation, perquisite or allowance.

Membership: Seven to 11 members, appointed by the Tourism Commission, who are knowledgeable in the areas of beautification, blight reduction, litter eradication, waste diversion and modification of human behavior patterns; no two members shall be residents of the same county, and no member shall be an employee of the state; one member shall be appointed from each of the six tourism regions, and one to five members shall be appointed from the state at large; provided that at least two of the members shall have experience in tourism, economic development, community beautification, sustainable materials management or recycling initiatives. The committee selects a chair and meets at least quarterly.

Powers and Duties: Section 67-16-7 NMSA 1978: documents and reports annually on the effectiveness and impact of Tourism Department-sponsored litter control and beautification programs; reports on all projects and activities funded by the department through allocations from the Litter Control and Beautification Fund, to include the community appearance index technique where appropriate and available; and investigates and reports on the feasibility, appropriateness and cost of a statewide community appearance index or other technique for the evaluation of highway litter.

Duplication, Similarity or Connection with Other Agencies: Tourism Department.

Category: Environment and Natural Resources

Coal Surface Mining Commission

Statutory Reference: Section 69-25A-4 NMSA 1978 (Surface Mining Act).

Organizational Status: Unspecified

Policy or Advisory? Policy for the Mining and Minerals Division of the Energy, Minerals and Natural Resources Department.

Rulemaking Authority? Yes

Federal Mandate? Yes. The Surface Mining Act is in response to the federal Surface Mining Control and Reclamation Act of 1977; the state has opted to administer a state program on surface mining and reclamation.

Senate Confirmation? Yes, non-ex-officio members.

Sunset? Yes; July 1, 2035.

Funding: Indirect through the Energy, Minerals and Natural Resources Department; statutory per diem and mileage.

Membership: The director of the Bureau of Geology and Mineral Resources of the New Mexico Institute of Mining and Technology, director of the Department of Game and Fish [Department of Wildlife], secretary of environment, chair of the Soil and Water Conservation Commission, director of the Agricultural Experiment Station, state engineer, commissioner of public lands and two public members are appointed by the governor with the advice and consent of the senate. Public members shall have expertise related to mining or mine reclamation. The commission meets at the call of the chair or a majority of the members. No member shall have a direct or indirect financial interest in any activity undertaken by the commission.

Other: The commission is one of the few policymaking commissions for state agencies that has a sunset provision.

Powers and Duties: Section 69-25A-5 NMSA 1978: adopts and files rules to implement the Surface Mining Act.

Duplication, Similarity or Connection with Other Agencies: Energy, Minerals and Natural Resources Department; Bureau of Geology and Mineral Resources of the New Mexico Institute of Mining and Technology.

Category: Environment and Natural Resources

Emergency Response Commission, State

Statutory Reference: Section 74-4E-4 NMSA 1978 (Hazardous Chemicals Information Act).

Organizational Status: Unspecified; "department" is defined in the act as the Homeland Security and Emergency Management Department.

Policy or Advisory? Has supervisory authority to implement the federal Emergency Planning and Community Right-to-Know Act of 1986.

Rulemaking Authority? Unspecified

Federal Mandate? Yes, the federal Emergency Planning and Community Right-to-Know Act of 1986.

Senate Confirmation? No

Sunset? No

Funding: Indirect through the department; statutory per diem and mileage.

Membership: Seven members appointed by the governor, including representatives of private industry, federal facilities, public health and public safety. Terms are four years, staggered. The governor designates the chair.

Powers and Duties: Section 74-4E-4 NMSA 1978: exercises supervisory authority to implement Title 3 in the state; prescribes reporting forms required by the Hazardous Chemicals Information Act; provides direction to the Hazardous Materials Safety Board; reports periodically to the interim Radioactive and Hazardous Materials Committee; reports annually to the governor and the legislature; may accept grants to carry out the purposes of the Hazardous Chemicals Information Act; and may make contracts.

Duplication, Similarity or Connection with Other Agencies: Homeland Security and Emergency Management Department; Hazardous Materials Safety Board.

Category: Environment and Natural Resources

Environmental Improvement Board

Statutory Reference: Section 74-1-4 NMSA 1978 (Environmental Improvement Act).

Organizational Status: Policy board for the Department of Environment.

Policy or Advisory? Policy; provides programmatic direction to the Department of Environment.

Rulemaking Authority? Yes; the board promulgates all rules applying to persons and entities outside the department.

Federal Mandate? Not per se, but the board serves as a required agency for certain federal programs.

Senate Confirmation? Yes

Sunset? No

Funding: General appropriation act; indirect through the department; statutory per diem and mileage.

Membership: Seven members appointed by the governor with the advice and consent of the senate; appointed for overlapping terms with no term exceeding five years; no more than four members shall be from the same political party. A majority of members shall represent the public interest and not derive any significant portion of their income from persons subject to, or who appear before the board on issues related to, the Air Quality Control Act or the federal Clean Air Act. The board meets at the call of the chair or a majority of its members.

Other: Section 9-7A-12 NMSA 1978: provides for the board's exemption from the authority of the secretary of environment.

Powers and Duties: Section 74-1-5 NMSA 1978: promulgates all external rules.

Section 74-1-8 NMSA 1978: provides environmental management and consumer protection by promulgating rules in the following areas: food protection; water supply; liquid waste; air quality management as provided in the Air Quality Control Act; radiation control as provided in the Radiation Protection Act; noise control; nuisance abatement; vector control; occupational health and safety as provided in the Occupational Health and Safety Act; sanitation of public swimming pools and public baths; plumbing, drainage, ventilation and sanitation of public buildings; medical radiation, health and safety certification and standards for radiologic technologists as provided in the Medical Imaging and Radiation Therapy Health and Safety Act; hazardous wastes and underground storage tanks as provided in the Hazardous Waste Act; solid waste as provided in the Solid Waste Act; and the carbon intensity of transportation fuels as provided in Section 74-1-18 NMSA 1978.

Other acts for which the board has responsibility: Food Service Sanitation Act; New Mexico Food Act; Flour and Bread Act; Radiation Protection Act; Rural Infrastructure Act; Ground Water Protection Act; and Environmental Compliance Act.

Section 74-6B-7 NMSA 1978: regulates, takes corrective action and establishes priorities for sites contaminated by storage tanks; and uses discretion to set aside a fund for emergency corrective action as provided for in the Ground Water Protection Act.

Duplication, Similarity or Connection with Other Agencies: Department of Environment.

Category: Environment and Natural Resources

Fire Planning Task Force

Statutory Reference: Section 68-2A-3 NMSA 1978.

Organizational Status: Intergovernmental entity.

Policy or Advisory? Unspecified; as an intergovernmental task force, presumably advisory; however, the task force develops standards for building codes and ordinances.

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Unspecified; statutory per diem and mileage for public members.

Membership: Sixteen members as follows: the state fire marshal; the director of the Local Government Division of the Department of Finance and Administration; the commissioner of public lands; the state director of the federal Bureau of Land Management on behalf of the United States Department of the Interior; the regional forester of the United States Forest Service; a member of a local fire department, appointed by the governor; a member of a volunteer fire department, appointed by the state forester; the director of the New Mexico Association of Counties; the director of the New Mexico Municipal League; the director of the Construction Industries Division of the Regulation and Licensing Department; the state forester; the secretary of Indian affairs; the superintendent of insurance; the secretary of homeland security and emergency management; a member with expertise in wildfire science and structures, appointed by the state forester; and a representative of a state-based property insurance carrier trade organization, appointed by the state forester after consulting with the Office of Superintendent of Insurance. The chair is elected by the task force; the task force meets at the call of the chair.

Powers and Duties: Section 68-2A-3 NMSA 1978: identifies and maps high-risk areas within the state; develops standards for building codes, defensible space requirements and ordinances that will reduce the threat of wildfires; works with communities in affected areas; develops wildfire preparedness standards for certification that are consistent with and no less stringent than the most recent standards developed by a nationally recognized wildfire prepared standard-setting organization; develops by June 30 of each year guidelines and requirements for eligibility for grants consistent with the provisions of and provided through the wildfire prepared program; and reports to the governor and the legislature by December 15 of each year.

Duplication, Similarity or Connection with Other Agencies: Constituent agencies.

Category: Environment and Natural Resources

Forest and Watershed Advisory Board

Statutory Reference: Section 68-4-3 NMSA 1978 (Forest and Watershed Restoration Act).

Organizational Status: Administratively attached to the Energy, Minerals and Natural Resources Department.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Other state funds = Forest Land Protection Revolving Fund; statutory per diem and mileage; members shall receive no other compensation.

Membership: Shall consist of the New Mexico state forester; the state engineer or the state engineer's designee; the commissioner of public lands or the commissioner's designee; the secretary of economic development or the secretary's designee; the secretary of environment or the secretary's designee; the director of the Department of Game and Fish [Department of Wildlife] or the director's designee; the state fire marshal or the fire marshal's designee; and three public members appointed by the governor from a list of nominees, one of whom shall be a representative of the forest products industry, one of whom shall be a representative of local government interests and one of whom shall be a representative of an academic or nonprofit conservation organization with a focus on ecological restoration science. Public members shall serve until their successors are appointed.

Powers and Duties: Section 68-4-4 NMSA 1978: recommends guidelines for projects; fosters partnerships and cooperation among federal, state and county agencies, tribal entities, political subdivisions of the state, soil and water conservation districts, the forest products industry and other public or private organizations dedicated to forest and watershed conservation and restoration programs or projects or wildlife conservation or habitat improvement programs or projects for the purpose of co-funding or leveraging funding for priority projects; and evaluates and recommends projects to the Forestry Division of the Energy, Minerals and Natural Resources Department for funding.

Duplication, Similarity or Connection with Other Agencies: Energy, Minerals and Natural Resources Department; Department of Game and Fish [Department of Wildlife]; State Land Office.

Category: Environment and Natural Resources

Hazardous Materials Safety Board

Statutory Reference: Section 12-12-25 NMSA 1978 (Hazardous Materials Emergency Response Act).

Organizational Status: Unspecified

Policy or Advisory? Policy

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: No direct appropriation; required per diem and mileage paid by employing agency.

Membership: Training officers of the responsible state agencies.

Powers And Duties: Section 12-12-25 NMSA 1978: at the direction of the State Emergency Response Commission, establishes a curriculum of accident-response training for the personnel of each responsible state agency; certifies persons who have completed the curriculum; meets at least every four months to review training needs and formulates a plan to meet those needs; conducts an annual comprehensive training course; prepares and submits to the State Emergency Response Commission a budget for statewide training needs; and cooperates with and assists the task force as requested.

Duplication, Similarity or Connection with Other Agencies: There are several state entities that deal with emergency response.

Can Existing Agency Perform Function? No; the board is composed of responsible state agencies.

Category: Environment and Natural Resources

Interstate Natural Gas Markets, Technical Advisory Committee to the Office of

Statutory Reference: Section 70-11-5 NMSA 1978.

Organizational Status: Unspecified

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: No

Membership: Four members as follows: the secretary of energy, minerals and natural resources or the secretary's designee; the director of natural gas programs or the director's designee; the commissioner of public lands or the commissioner's designee; and the director of the Oil Conservation Division of the Energy, Minerals and Natural Resources Department or the director's designee, who is a nonvoting member.

Powers and Duties: Section 70-11-5 NMSA 1978: reviews and makes recommendations to the director on how the office should perform its duties.

Duplication, Similarity or Connection with Other Agencies: Energy, Minerals and Natural Resources Department.

Category: Environment and Natural Resources

Interstate Stream Commission

Statutory Reference: Section 72-14-1 NMSA 1978.

Organizational Status: Independent of the state engineer, though the budget is contained in the state engineer budget.

Policy or Advisory? Policy

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? Yes

Sunset? No

Funding: General appropriation act; the New Mexico Unit Fund.

Membership: Nine members, including the state engineer and eight appointed by the governor with the advice and consent of the senate for staggered four-year terms, including four representatives of irrigation or conservancy districts or sections of the state; one representative of a New Mexico acequia or community ditch; one representative of a New Mexico drinking water utility that provides at least 500 acre-feet of water annually for domestic use; one member of the Water Resources Research Institute or civil or environmental engineering faculty of New Mexico State University or the University of New Mexico; and one hydrogeologist with expertise in New Mexico ground water resources who is a faculty member of the New Mexico Institute of Mining and Technology or a professional engineer with a New Mexico consulting engineering practice in water resources or water utility engineering. Not more than five members, including the state engineer, shall be from the same political party. At least one member shall be a member of a New Mexico Indian nation or tribe, and at least one member shall be a member of a New Mexico Indian pueblo. Except for the state engineer, members shall have no less than 10 years' experience with New Mexico water resources; no more than two members shall be appointed from the same irrigation or conservancy district or section in the state or the same New Mexico Indian nation, tribe or pueblo; no more than three members shall be from the same congressional district; and members shall be appointed from and reside in at least three different state engineer water rights districts. An appointed member may be removed by the governor for failure to attend three consecutive meetings or for other cause. The commission elects a chair and vice chair, and the state engineer serves as secretary.

Other: The commission has the power of eminent domain and the power to issue revenue bonds.

Powers and Duties: Section 72-14-3 NMSA 1978: negotiates compacts to settle interstate controversies or to ensure the equitable distribution of water in interstate stream systems; matches federal appropriations; investigates the water supply; develops, conserves and protects waters and stream systems, interstate or otherwise; institutes legal proceedings; carries out

provisions of Chapter 72, Article 14 NMSA 1978; and employs personnel.

Other powers specified in Chapter 72, Article 14 NMSA 1978: constructs irrigation works; purchases, exchanges, leases and condemns property; develops, constructs, operates and maintains infrastructure for the delivery of water; issues revenue bonds; makes loans from the New Mexico Irrigation Works Construction Fund; appropriates ground water; purchases water rights; and makes grants or loans for regional water planning.

Section 72-14-3.1 NMSA 1978: the commission, in collaboration with the state engineer and the Water Trust Board, shall prepare and implement a comprehensive state water plan.

Section 75-2-4 NMSA 1978 (Water Research, Conservation and Development Act): reviews and approves or denies water research, conservation or development project proposals; adopts guidelines for project preparation, review, application and approval; allocates money for water research, conservation or development projects; administers the Water Research, Conservation and Development Fund; and accepts federal and private matching funds or grants.

Section 75-3-2 NMSA 1978 (Weather Control Act): replaces the Weather Control and Cloud Modification Commission in carrying out the act.

Section 75-3-14 NMSA 1978: may: make all rules and regulations necessary to carry out the provisions of the Weather Control Act; make necessary field investigations and inspections to enforce the Weather Control Act; make periodic reports on weather control and cloud modification activities in New Mexico and evaluate the results; and make recommendations to the legislature on needed legislation regarding weather control and cloud modification.

Duplication, Similarity or Connection with Other Agencies: There is similarity to and connection with the state engineer, but not duplication.

Category: Environment and Natural Resources

Mining Commission

Statutory Reference: Section 69-36-6 NMSA 1978 (New Mexico Mining Act).

Organizational Status: Unspecified

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: No direct appropriation; per diem and mileage not statutory.

Membership: Seven voting members as follows: the director of the Bureau of Geology and Mineral Resources of the New Mexico Institute of Mining and Technology; the secretary of environment; the state engineer; the commissioner of public lands; the director of the Department of Game and Fish [Department of Wildlife]; and two public members and their alternates appointed by the governor with the advice and consent of the senate. Public members are chosen to represent, and to balance, environmental and mining interests while minimizing conflicts of interest; no more than one public member and one alternate may belong to the same political party. Public members serve four-year terms. An alternate votes only in the absence of a public member for whom the alternate is a substitute. The chair of the Soil and Water Conservation Commission and the director of the Agricultural Experiment Station are nonvoting members. The commission meets at the call of the chair or of a majority of members. There are financial limits to serving on the commission, and members shall file a disclosure statement with the secretary of state. Members shall recuse themselves on decisions affecting their financial interest.

Powers and Duties: Section 69-36-7 NMSA 1978: adopts rules to implement the act, including specific areas provided for in the section.

Section 69-36-15 NMSA 1978: reviews decisions of the director.

Section 69-36-17 NMSA 1978: may: assess civil penalties; and hear appeals of penalties assessed by the director.

Duplication, Similarity or Connection with Other Agencies: Statute includes the New Mexico Mining Act Advisory Committee, which is currently defunct.

Category: Environment and Natural Resources

Mining Safety Board

Statutory Reference: Section 69-8-3 NMSA 1978 (Mining Safety Act).

Organizational Status: Unspecified

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Indirect through the institute; statutory per diem and mileage for nonstate members.

Membership: Thirteen members appointed by the governor for six-year terms who represent and balance management and nonmanagement employees at coal, metal-nonmetal and sand and gravel operations throughout New Mexico. Vacancies are filled by appointment for the unexpired term by the governor in the same manner as the original appointments. Members absent for three or more consecutive meetings are considered inactive. The chair shall ask the Office of the Governor to appoint a new member to the board if a current member becomes inactive. The state mine inspector and the secretary of energy, minerals and natural resources are ex-officio members of the board but have no vote.

Powers and Duties: Section 69-8-4 NMSA 1978: formulates and proposes, after public hearing, general rules and reasonable safety and health standards for prevention of accidents and occupational diseases in every mine operated in the state; and may appoint special committees of employers, employees and experts to assist in the development of rules. One set of standards and rules shall be adopted for the coal mining industry and one set for the non-coal mining industry.

Section 69-8-4.1 NMSA 1978: reviews actions of the state mine inspector under Sections 69-8-9.1 and 69-14-4 NMSA 1978.

Duplication, Similarity or Connection with Other Agencies: Bureau of Geology and Mineral Resources of the New Mexico Institute of Mining and Technology.

Category: Environment and Natural Resources

Natural Lands Protection Committee

Statutory Reference: Section 75-5-4 NMSA 1978 (Natural Lands Protection Act).

Organizational Status: Unspecified

Policy or Advisory? Policy

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: No direct appropriation; per diem and mileage not statutory.

Membership: The secretary of energy, minerals and natural resources, who serves as chair; the director of the Department of Game and Fish [Department of Wildlife]; the commissioner of public lands; the director of the New Mexico Department of Agriculture; and three public members appointed by the governor, one of whom represents ranching and farming.

Powers and Duties: Section 75-5-4 NMSA 1978: recommends lands to be acquired under the provisions of the act and pays the state's share of acquisition.

Section 75-10-6 NMSA 1978: receives applications for conservation projects pursuant to the Natural Heritage Conservation Act.

Duplication, Similarity or Connection with Other Agencies: Energy, Minerals and Natural Resources Department.

Category: Environment and Natural Resources

Oil Conservation Commission

Statutory Reference: Section 70-2-4 NMSA 1978 (Oil and Gas Act).

Organizational Status: Unspecified

Policy or Advisory? Policy; has concurrent jurisdiction and authority with the Oil Conservation Division of the Energy, Minerals and Natural Resources Department. The director of the Oil Conservation Division determines whether the commission should hold a hearing on a matter.

Rulemaking Authority? Unspecified

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: No; statute states "no salary or compensation" but is silent on per diem and mileage.

Membership: The director of the Oil Conservation Division and designees of the commissioner of public lands and the secretary of energy, minerals and natural resources. Designees shall have expertise in the regulation of petroleum production. Terms are coextensive with the office of the holder or, presumably, the appointer.

Other: The commission has subpoena power.

Powers and Duties: Section 70-2-6 NMSA 1978: has concurrent jurisdiction with the Oil Conservation Division over matters under the act.

Section 70-2-8 NMSA 1978: has subpoena power.

Section 70-2-11 NMSA 1978: has power to prevent waste and protect correlative rights.

Section 70-2-13 NMSA 1978: reviews decisions of examiners de novo.

Section 70-2-25 NMSA 1978: holds hearings on commission orders or decisions.

Section 70-2-34 NMSA 1978: has power to prevent waste of carbon dioxide, helium and other non-hydrocarbon gases.

Section 70-6-6 NMSA 1978: rules pertaining to oil and gas conservation are applicable to commission proceedings concerning underground storage of natural gas.

Duplication, Similarity or Connection with Other Agencies: Oil Conservation Division.

Category: Environment and Natural Resources

Parks Advisory Board, State

Statutory Reference: Section 16-2-2 NMSA 1978.

Organizational Status: Advisory to the State Parks Division of the Energy, Minerals and Natural Resources Department.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: No direct appropriation; per diem and mileage not statutory.

Membership: Seven to 11 members appointed by the governor. The board meets quarterly or at the call of the chair. The board elects the chair and the vice chair annually. The State Parks Division director serves as executive secretary.

Powers and Duties: Section 16-2-2 NMSA 1978: advises and makes recommendations relating to the administration of the State Parks Division and advises on all matters of policy, rules, formulation of a comprehensive statewide recreation plan and other matters at the request of the director.

Duplication, Similarity or Connection with Other Agencies: State Parks Division.

Category: Environment and Natural Resources

Radiation Technical Advisory Council

Statutory Reference: Section 74-3-2 NMSA 1978 (Radiation Protection Act).

Organizational Status: Advisory to the Environmental Improvement Board and Department of Environment.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: No direct appropriation; statutory per diem and mileage.

Membership: Seven members appointed by the governor, after consultation with the secretary of environment, for staggered five-year terms. Members shall be persons with scientific training in diagnostic radiology, radiation therapy, nuclear medicine, radiation, health physics or related sciences with specialization in radiation. In addition to regular members, the council consists of four additional members who sit as full council members on matters related to the Medical Imaging and Radiation Therapy Health and Safety Act; those members are radiologic technologists appointed by the governor for staggered five-year terms and appointments are from lists provided by a radiologic technologist organization in the state.

Powers and Duties: Section 74-3-3 NMSA 1978: advises the Department of Environment and the board on technical matters relating to radiation.

Duplication, Similarity or Connection with Other Agencies: Department of Environment; Environmental Improvement Board.

Category: Environment and Natural Resources

Radioactive Waste Consultation Task Force

Statutory Reference: Section 74-4A-6 NMSA 1978 (Radioactive and Hazardous Materials Act).

Organizational Status: Unspecified

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? Yes, in that Congress allowed New Mexico to negotiate certain issues related to the Waste Isolation Pilot Plant, and the state decided on this approach.

Senate Confirmation? No

Sunset? No

Funding: Federal funds.

Membership: The secretaries of energy, minerals and natural resources; health; environment; public safety; transportation; homeland security and emergency management; and Indian affairs, or their designees; and the commissioner of public lands or the commissioner's designee. The chair and vice chair of the interim Radioactive and Hazardous Materials Committee, or their designees, are advisory members. The state fire marshal or designee is a nonvoting member.

Other: Costs are paid by federal grant.

Powers and Duties: Section 74-4A-7 NMSA 1978: negotiates for the state with the federal government in all areas related to siting, licensing and operation of waste facilities; may recommend legislation to implement state policies; identifies impacts of new federal and private disposal facilities within the state and disseminates that information; coordinates the investigations and studies; and meets regularly with the Radioactive and Hazardous Materials Committee. The authority of the task force and its actions and those of state agencies with respect to federal or privately operated disposal or storage facilities are subject to the limitations contained in federal law and shall be consistent with federal law.

Section 74-4A-8 NMSA 1978: may: make procedural rules; solicit and accept grants; make contracts; appoint a representative on any federal or state-federal task forces or work groups; and perform other acts necessary and proper.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: Environment and Natural Resources

Rio Grande Trail Commission

Statutory Reference: Section 9-5C-1 NMSA 1978.

Organizational Status: Administratively attached to the Energy, Minerals and Natural Resources Department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: General appropriation act; other state funds = Rio Grande Trail Fund; statutory per diem and mileage; members receive no other compensation, perquisite or allowance, contingent upon money being available for this purpose.

Membership: Unspecified number of members appointed by the secretary of energy, minerals and natural resources, including the secretaries of energy, minerals and natural resources; economic development; Indian affairs; transportation; and tourism, or their designees; one representative each from an organization with trail management experience; the State Parks Division of the Energy, Minerals and Natural Resources Department; an organization that specializes in river ecology and conservation; an organization that specializes in bird ecology and conservation; and two members of the public interested in development of the Rio Grande Trail. The secretary appoints the chair and invites as nonvoting members representatives from federal entities, including the Bureau of Land Management; Bureau of Reclamation; International Boundary and Water Commission; National Park Service; United States Army Corps of Engineers; United States Fish and Wildlife Service; United States Forest Service; and the New Mexico congressional delegation.

Powers and Duties: Section 9-5C-1 NMSA 1978: meets at least three times per year; defines and recommends viable and contiguous path routes of the Rio Grande Trail and includes only land expressly authorized by the owner; shall not acquire land by eminent domain; mitigates challenges related to establishing the Rio Grande Trail; facilitates negotiations and discussions with landowners and jurisdictions; defines and recommends features, facilities and enhancements needed on the trail; identifies appropriate opportunities for river recreation along the trail; establishes a website; ensures that any recommended designation, construction and use of the trail minimizes environmental impact; avoids areas of significant habitat value; considers the impact on private and commercial interests; makes recommendations to the legislature as needed; reports annually to the governor and appropriate interim legislative committees related to water and natural resources and economic development; consults and cooperates with the

National Park Service's Historic Trails Project for El Camino Real Historic Trail; consults with representatives of entities served by or adjoining the Rio Grande, including conservancy or irrigation districts, acequias, counties, land grants, municipalities and Indian nations, tribes or pueblos; actively engages the public in the trail planning process; displays meeting notices, minutes and official proposals on its website; develops multiple options for trail routing, construction design and potential enhancements; holds public meetings to solicit public input and allows for a written comment period; makes final recommendations; to the extent feasible, selects existing trails and avoids widening them; constructs on public land new trails for non-motorized use except for persons with mobility impairments; and avoids introducing non-native materials on the trail.

Duplication, Similarity or Connection with Other Agencies: Energy, Minerals and Natural Resources Department; Economic Development Department; Indian Affairs Department; Department of Transportation; Tourism Department.

Category: Environment and Natural Resources

Soil and Water Conservation Commission

Statutory Reference: Section 73-20-28 NMSA 1978 (Soil and Water Conservation District Act).

Organizational Status: Unspecified

Policy or Advisory? Advisory to the New Mexico Department of Agriculture and the Board of Regents of New Mexico State University.

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Indirect in the general appropriation act; statutory per diem and mileage.

Membership: Seven appointed and five ex-officio members. The seven members are selected by and serve at the pleasure of the governor. Six of the appointed members are district supervisors selected and appointed from a panel of three candidates from each region, compiled by the districts of each region and presented by the president of the New Mexico Association of Conservation Districts; and one appointed member is selected at large as a person interested and active in the conservation or development of natural resources in the state. Ex-officio members are the following or their designees: the governor, the associate director of the Cooperative Extension Service, the associate director of the Agricultural Experiment Station, the state conservationist of the United States Department of Agriculture and the president of the New Mexico Association of Conservation Districts.

Other: Section 73-20-29 NMSA 1978 specifies that a quorum consists of a majority of appointed members; Attorney General Opinion 60-13 determined that quorums include ex-officio members. The chair serves at the pleasure of the commission.

Powers and Duties: Section 73-20-31 NMSA 1978: may advise the New Mexico Department of Agriculture and the Board of Regents of New Mexico State University concerning any matter that, in the commission's opinion, has a significant impact on or otherwise substantially affects soil and water conservation; and may promulgate regulations to carry out the act.

Other sections of the act specify how the commission aids in the approval of districts and oversees elections.

Duplication, Similarity or Connection with Other Agencies: The New Mexico Department of Agriculture; Energy, Minerals and Natural Resources Department (where the Soil and Water Conservation Division and the commission used to reside).

Category: Environment and Natural Resources

State Land Trusts Advisory Board

Statutory Reference: Section 19-1-1.1 NMSA 1978.

Organizational Status: Advisory to the commissioner of public lands.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? Yes

Sunset? No

Funding: State Lands Maintenance Fund; statutory per diem and mileage.

Membership: Seven members appointed by the commissioner with the advice and consent of the senate for staggered six-year terms. Members shall represent geographical balance and are selected as follows: two members represent beneficiaries; one member represents extractive industries; one member represents agricultural industries; one member represents conservation interests; and two members represent the public at large. No more than four members shall belong to the same political party. At least one meeting a year shall be held jointly with the administrative heads of the beneficiaries, at which meeting the commissioner discusses plans, goals, objectives, budget, revenue projections, asset management issues and other pertinent information.

Other: The board is not paid from the state General Fund.

Section 19-1-1.2 NMSA 1978: members removed only for incompetence, neglect of duty or malfeasance. The New Mexico Supreme Court has exclusive jurisdiction over removal.

Powers and Duties: Section 19-1-1.4 NMSA 1978: provides continuity for resource management; helps the commissioner understand and maintain the highest standards for maximizing income from trust assets and protects and maintains assets and resources of trust; and reviews policies and practices of the commissioner and advises on how they affect standards.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: Environment and Natural Resources

Storage Tank Committee

Statutory Reference: Section 74-6B-4 NMSA 1978 (Ground Water Protection Act).

Organizational Status: Advisory to the Department of Environment.

Policy or Advisory? Advisory

Rulemaking Authority? Limited to conduct of the committee.

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Storage Tank Fund; statutory per diem and mileage.

Membership: The secretary of environment and six members appointed by and serving at the pleasure of the governor and representing the following: fire protection districts; elected local government officials; wholesalers of motor fuels; independent retailers of motor fuels; individuals knowledgeable about corrective actions in connection with leaking underground storage tanks; and private citizens or interest groups. Terms are for three years, staggered.

Powers and Duties: Section 74-6B-4 NMSA 1978: may: recommend proposed rules to the Environmental Improvement Board or secretary of environment; establish procedures, practices and policies governing its activities; review all proposed corrective action plans; and review proposed payments from the Corrective Action Fund.

Duplication, Similarity or Connection with Other Agencies: Department of Environment; Environmental Improvement Board.

Category: Environment and Natural Resources

Tree Planting Advisory Committee

Statutory Reference: Section 68-2-33 NMSA 1978 (New Mexico Forest Re-Leaf Act).

Organizational Status: Unspecified

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: No direct appropriation; per diem and mileage not statutory.

Membership: The state forester appoints the committee, including one member from the Soil and Water Conservation Commission, one member from the New Mexico Association of Conservation Districts, two members from nonprofit environmental organizations dedicated primarily to protecting the environment and two members from the New Mexico Association of Nursery Industries; other members may include representatives from the Public Education Department, state universities, the Higher Education Department, the Local Government Division of the Department of Finance and Administration and other persons whom the state forester determines will assist the committee in performing its functions.

Other: The Forestry Division of the Energy, Minerals and Natural Resources Department provides staff for the committee.

Powers and Duties: Section 68-2-33 NMSA 1978: meets at least twice a year to review the Forestry Division's tree-planting programs; seeks public input on Forestry Division programs; and may make recommendations to the division and the state forester on how best to achieve the purposes of the act and of the Conservation Planting Revolving Fund.

Duplication, Similarity or Connection with Other Agencies: Forestry Division of the Energy, Minerals and Natural Resources Department.

Category: Environment and Natural Resources

Wastewater Technical Advisory Committee

Statutory Reference: Section 9-7A-15 NMSA 1978 (Department of Environment Act).

Organizational Status: Advisory to the Department of Environment.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: No direct appropriation; statutory per diem and mileage.

Membership: Five members appointed by and serving at the pleasure of the secretary of environment. Terms are three years. Members include one wastewater treatment system engineer with at least 10 years of experience in wastewater system design and construction; a faculty member from a New Mexico university or college with a minimum of a master's degree in biological science, microbiology, soil science or engineering and a minimum of 10 years of work or academic experience with wastewater treatment or wastewater treatment facility management; a representative from the New Mexico State University Water Utilities Technical Assistance Program; a class 4 certified wastewater operator with at least 10 years of experience; and a representative of the New Mexico Home Builders Association.

Other: The Department of Environment provides technical and legal assistance to the committee.

Powers and Duties: Section 9-7A-15 NMSA 1978: provides standardized objective evaluation of wastewater treatment and disposal technologies for both large- and small-flow domestic, commercial and agricultural wastewater systems for approval by the secretary of environment; and maintains a current list of approved wastewater technologies accessible by the public on the department's internet site.

Duplication, Similarity or Connection with Other Agencies: Environmental Improvement Board; universities; United States Environmental Protection Agency.

Category: Environment and Natural Resources

Water Quality Control Commission

Statutory Reference: Section 74-6-3 NMSA 1978 (Water Quality Act).

Organizational Status: Administratively attached to the Department of Environment. Section 74-6A-15 NMSA 1978 (Wastewater Facility Construction Loan Act) specifies that the commission is an instrumentality of the state.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? The commission is the state water pollution control agency for all purposes of the Federal Water Pollution Control Act and of the Wellhead Protection Program and Sole Source Aquifer Protection Program of the federal Safe Drinking Water Act of 1974.

Senate Confirmation? No

Sunset? Yes; July 1, 2035.

Funding: General appropriation act; per diem and mileage for public members from budgeted funds of the Department of Environment.

Membership: The secretary of environment; secretary of health; director of the Department of Game and Fish [Department of Wildlife]; state engineer; chair of the Oil Conservation Commission; director of the State Parks Division; director of the New Mexico Department of Agriculture; chair of the Soil and Water Conservation Commission; director of the Bureau of Geology and Mineral Resources; a municipal or county government representative; and three public members appointed by the governor for four-year terms. The state members may designate members of their staffs to serve. At least one of the gubernatorial appointments shall be a member of a New Mexico Indian nation, tribe or pueblo. Members shall not receive a significant portion of their incomes from permit holders or applicants and shall file disclosure statements with the secretary of state.

Other: Section 9-7A-13 NMSA 1978 provides exemption from authority of the secretary.

In exercise of its powers or duties, the commission shall act with independent legal advice.

The commission is one of the few policymaking commissions for state agencies that has a sunset provision.

Powers and Duties: Section 74-6-4 NMSA 1978: may accept and supervise administration of loans and grants; adopts a comprehensive water quality management program and develops a continuing planning process; adopts water quality standards for surface and ground water subject

to the act as long as all rules conform with the rulemaking authority found in the act; adopts water quality standards for surface and ground waters based on credible scientific data to include narrative standards, designated uses of the waters, and water quality criteria necessary to protect such uses; adopts rules to prevent or abate water pollution; adopts rules regarding other issues, including new sewer systems, water contaminants and pre-treatment standards; assigns responsibility for administering its regulations to constituent agencies; may enter into agreements; may grant individual variances from rules; coordinates application procedures and funding cycles; specifies in rule the measures to be taken to prevent water pollution and monitor water quality; adopts regulations to be administered by the Department of Environment for the discharge, handling, transport, storage, recycling or treatment for the disposition of treated produced water or in the application of treated produced water to land; may adopt regulations to be administered by the Department of Environment for surface water discharges; and adopts rules for particular industries, including the dairy and copper industries. The commission shall not require a permit for water in irrigated agriculture or for use of less than 250 gallons per day of private residential gray water.

Section 74-6-5 NMSA 1978: regulates the issuance of discharge permits by constituent agencies in compliance with federal law and the Water Quality Act and reviews permitting decisions.

Section 74-6A-9 NMSA 1978: administers the Wastewater Facility Construction Loan Act.

Section 61-33-4 NMSA 1978: adopts rules pursuant to the Utility Operators Certification Act.

Duplication, Similarity or Connection with Other Agencies: Department of Environment; other constituent agencies.

Category: Environment and Natural Resources

Water Trust Board

Statutory Reference: Section 72-4A-4 NMSA 1978 (Water Project Finance Act).

Organizational Status: Unspecified; the New Mexico Finance Authority provides staff support.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes, for public members appointed by the governor.

Sunset? No

Funding: Unspecified; statutory per diem and mileage.

Membership: Sixteen members as follows: the state engineer or designee; the executive director of the New Mexico Finance Authority or designee; the secretary of finance and administration or designee; the secretary of environment or designee; the secretary of energy, minerals and natural resources or designee; the director of the Department of Game and Fish [Department of Wildlife] or designee; the director of the New Mexico Department of Agriculture or designee; the executive director of the New Mexico Municipal League or designee; the executive director of the New Mexico Association of Counties or designee; one public member appointed by the Indian Affairs Department; the president of the Navajo Nation or designee; and five public members appointed by the governor and confirmed by the senate, each of whom represents one of the following: (1) the environmental community; (2) an irrigation or conservancy district that uses surface water; (3) an irrigation or conservancy district that uses ground water; (4) acequia water users; and (5) soil and water conservation districts. Terms of public members appointed by the governor shall be for staggered four-year terms. The chair is elected by the board.

Other: Public members are appointed public officials of the state while carrying out their duties and activities.

Powers and Duties: Section 72-4A-5 NMSA 1978: adopts rules governing terms and conditions of grants or loans recommended by it for appropriation by the legislature; authorizes qualifying water projects to the New Mexico Finance Authority; and evaluates and recommends projects to the Interstate Stream Commission.

Section 72-4A-5.1 NMSA 1978: implements the state water plan.

Section 72-4A-10 NMSA 1978: reports to the legislature no later than December 1 of each calendar year regarding expenditures from the Water Project Fund and recommendations for legislative action.

Duplication, Similarity or Connection with Other Agencies: Department of Environment; Interstate Stream Commission; state engineer; New Mexico Department of Agriculture; New Mexico Community Development Council; soil and water conservation districts and other water-related special districts; New Mexico Finance Authority.

Category: Environment and Natural Resources

Wildlife Commission Nominating Committee, State
(effective January 1, 2027)

Statutory Reference: Section 17-1-2.1 NMSA 1978.

Organizational Status: Unspecified. Administrative support is provided to the committee by the staff of the Department of Wildlife.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Unspecified. Members serve without compensation but are reimbursed for expenses incurred in pursuit of the member's duties on the committee pursuant to the Per Diem and Mileage Act.

Membership: Nine members, all of whom must be New Mexico residents, including: four members appointed as follows: one by the speaker of the house of representatives, one by the minority floor leader of the house of representatives, one by the president pro tempore of the senate and one by the minority floor leader of the senate; two members as follows: the chair of the University of New Mexico's Department of Biology or the chair's designee and the chair of New Mexico State University's Department of Fish, Wildlife and Conservation Ecology or the chair's designee; two members appointed by the governor who are not registered as members of the same political party; and one member appointed by the governor who represents an Indian nation, tribe or pueblo. The committee selects one member to be chair and one member to be secretary. An appointed committee member may be removed by the person who holds that office that appointed that committee member. A committee member serves until that member's resignation or removal by the appointing authority.

The committee and individual members are subject to the Governmental Conduct Act, the Gift Act, the Inspection of Public Records Act, the Financial Disclosure Act and the Open Meetings Act.

Powers and Duties: Section 17-1-2.1 NMSA 1978: meets at least 90 days prior to the date on which the term of a state wildlife commissioner ends and as often as necessary thereafter in order to submit a list to the governor, at least 30 days prior to the beginning of the new term, of a minimum of three qualified nominees for each position of the State Wildlife Commission; the list is developed to provide geographical and political party diversity as appropriate to conform the makeup of the commission to the geographical and political party requirements of Section

17-1-2 NMSA 1978; actively solicits, accepts and evaluates applications from qualified individuals for a position on the commission and may require an applicant to submit any information that the committee deems relevant to the consideration of the individual's application; selects nominees for submission to the governor who, in the committee's judgment, are best qualified to serve as a member of the commission; and allows for public comment at a committee meeting during which the committee is considering a list of qualified nominees for appointment to the commission before the committee votes on the nominees.

Duplication, Similarity or Connection with Other Agencies: State Wildlife Commission; Department of Wildlife.

Category: Environment and Natural Resources

Wildlife Commission, State

Statutory Reference: Section 17-1-2 NMSA 1978.

Organizational Status: Administratively attached to the Energy, Minerals and Natural Resources Department (this is the only occurrence of a commission and its department being administratively attached to another department).

Policy or Advisory? Policy; the commission operates the Department of Wildlife.

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes

Sunset? No

Funding: General appropriation act; members' per diem and mileage provided in the department budget.

Membership: Effective January 1, 2027, seven voting members who are appointed by the governor with the advice and consent of the senate from a list of qualified nominees submitted to the governor by the State Wildlife Commission Nominating Committee. Members serve staggered six-year terms, and a commissioner shall not serve more than two terms after January 1. 2027. Three at-large members hold positions one, two and three, with no more than one member residing in any one county and with no more than two members affiliated with the same political party, and at least one member shall be a member of a federally recognized Indian nation, tribe or pueblo in New Mexico. Four members hold positions four, five, six and seven, with no more than one member residing in any one county and no more than two members affiliated with the same political party, as follows: (1) position four, a farmer or rancher who actively works at growing and selling livestock or crops from a ranch or farm where at least two big game species are frequently present; (2) position five, a conservationist who for the previous four years has been an employee, a member of a board or a member of an established advisory committee of a nonprofit wildlife or habitat conservation organization, the primary focus of which is not game species; (3) position six, an individual who is both a hunter and an angler having held both a New Mexico hunting license and fishing license each of the previous four years; and (4) position seven, a scientist who holds at least a master's degree in wildlife biology, conservation biology, fisheries science or management, wildlife science or management or a comparable wildlife field. The commission selects one commissioner to be chair and one commissioner to be vice chair.

When a commissioner dies, resigns or no longer meets the qualifications required for appointment or misses three consecutive meetings, that position becomes vacant. The governor shall appoint a successor for the remainder of the term from a list of qualified nominees

submitted to the governor by the State Wildlife Commission Nominating Committee. Except when a commissioner position becomes vacant, a commissioner shall not be removed except for incompetence, neglect of duty or malfeasance in office. A proceeding for removal of a commissioner may be commenced by the governor, and a commissioner shall be given notice of the hearing and an opportunity to be heard before removal. The Supreme Court has exclusive jurisdiction over proceedings to remove commissioners, and its decision is final.

The following persons shall serve as advisory, nonvoting members of the commission: the director of the New Mexico Outdoor Recreation Division of the Economic Development Department or designee; the director of the New Mexico Department of Agriculture or designee; the commissioner of public lands or designee; and the secretary of Indian affairs or designee.

Powers and Duties: Section 17-1-5 NMSA 1978: employs a director of the department and discharges the director for reasons the commission deems sufficient.

Section 17-1-14 NMSA 1978: has general control over the collection and disbursement of all money collected under state law for protection and propagation of game and fish; establishes and operates fish hatcheries; declares closed seasons; establishes game reserves; purchases refuges for game reserves; receives land suitable for department purposes; applies for and accepts grants and donations; designates certain areas as rest grounds for migratory birds; closes any public stream or lake; propagates, captures, purchases, transports or sells any species of game or fish; suspends or revokes any license or permit issued pursuant to Chapter 17 NMSA 1978 and withholds license privileges; adopts rules; conducts endangered and nongame species management studies; establishes and charges fees for licenses, permits and certificates; prohibits all hunting during extreme forest fire danger; permits, regulates or prohibits commercial taking or capturing of native, free-ranging amphibians or reptiles not specifically protected by law, except rattlesnake roundups, collection of fish bait and lizard races; controls, eradicates or prevents the spread of contagious diseases, pests or parasites in wild populations; designates public and private areas in which bear-proof containers are required; expends money for fish and wildlife habitat management; and adopts rules to recruit and train volunteers.

Section 17-1-18 NMSA 1978: grants commission bonding authority (Game and Fish Bond Act).

Section 17-1-26 NMSA 1978: may spend reasonable amounts of money for eradication of predatory animals.

Section 17-2-1 NMSA 1978: defines game birds, animals and fish; establishes open and closed seasons; establishes bag limits; authorizes or prohibits killing or taking of game animals, birds or fish; prescribes the manner, methods and devices that may be used in hunting or taking; prescribes rules to prohibit any vehicle engaged in hunting or taking from leaving established roadways; and appoints advisory committees to evaluate and recommend wildlife management projects using revenue derived from the sale of public land management stamps.

Sections 17-2A-2 and 17-2A-3 NMSA 1978: develops a statewide system for hunting activities; and registers hunting guides and outfitters.

Other acts and statutes for which the commission is responsible: the Wildlife Conservation Act; Regulated Shooting Preserve Act; Chapter 17, Articles 4 and 5 NMSA 1978, relating to propagation of fish and game and to trappers and fur dealers, respectively; Habitat Protection Act; Shooting Range Fund Act; and Wildlife Violator Compact (appoints the compact administrator).

Duplication, Similarity or Connection with Other Agencies: There may be natural, though not statutory, affinity with aspects of the State Parks Division of the Energy, Minerals and Natural Resources Department mission.

Category: Environment and Natural Resources

Youth Conservation Corps Commission, New Mexico

Statutory Reference: Section 9-5B-5 NMSA 1978 (New Mexico Youth Conservation Corps Act).

Organizational Status: Administratively attached to the Energy, Minerals and Natural Resources Department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: New Mexico Youth Conservation Corps Fund; statutory per diem and mileage.

Membership: Nine members as follows: the secretary of public education; the commissioner of public lands; the secretary of energy, minerals and natural resources; the secretary of children, youth and families; and five members of the general public appointed by the governor to reflect geographic diversity, one of whom is knowledgeable about current policies of the United States Forest Service and one of whom is Native American. Terms are three years, staggered, but public members serve at the pleasure of the governor. Nonpublic members may appoint designees. The commission elects the chair. Vacancies shall be filled within 60 days.

Other: The corps is funded through the governmental gross receipts tax.

Section 9-5B-10 NMSA 1978: the New Mexico Youth Conservation Corps Fund is appropriated to the commission.

Powers and Duties: Section 9-5B-6 NMSA 1978: may accept gifts, grants and donations; may request assistance and staff support from the Energy, Minerals and Natural Resources Department; may employ personnel; may delegate responsibility for administration and implementation of projects and other program matters; may establish work camps and residential facilities; may contact potential sponsors and funding sources; adopts rules to carry out the act; administers and enforces the act; develops and approves corps projects, activities and contracts; establishes standards, procedures and policies for personnel matters involving the corps members and others; fosters partnerships and cooperation between the corps and schools; and hires a program manager.

Section 9-5B-7 NMSA 1978: sponsors apply to the commission for project approval.

Duplication, Similarity or Connection with Other Agencies: The Energy, Minerals and Natural Resources Department administers the fund, though vouchers are signed by the commission chair.

Category: General Government

Alternative Dispute Prevention and Resolution Advisory Council

Statutory Reference: Section 12-8A-6 NMSA 1978 (Governmental Dispute Prevention and Resolution Act).

Organizational Status: Created within the Risk Management Division of the General Services Department.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Indirect through the Risk Management Division.

Membership: Nine voting members as follows: secretary of general services; secretary of finance and administration; director of the State Personnel Office; superintendent of regulation and licensing; the cabinet secretary or agency head of four other executive branch agencies, to be appointed by the governor from among the 10 agencies with the highest occurrence of public liability claims per authorized number of staff, no more than two of whom are cabinet secretaries; and the director of the Risk Management Division, who serves as chair. An agency head may designate a representative to serve on the council. The council shall meet at least twice each year.

Powers and Duties: Section 12-8A-7 NMSA 1978: reviews information about the use of alternative dispute resolution, including referrals, and makes recommendations to the Office of Alternative Dispute Prevention and Resolution to improve the effectiveness of alternative dispute resolution programs; develops strategies to encourage and expand the use of public facilitation in government operations; recommends to the Risk Management Division appropriate training standards and schedules for neutral parties and agency managers and supervisors; reviews and recommends standards and rules to the division to foster participation in alternative dispute resolution and minimize conflict in the discussion of issues under consideration by interested parties; and presents an annual report to the department, the governor and the legislature by December 1 of each year on the use, cost and success of alternative dispute resolution programs.

Duplication, Similarity or Connection with Other Agencies: Risk Management Division; Office of Alternative Dispute Prevention and Resolution (a bureau of the division).

Category: General Government

Architect, Engineer, Landscape Architect and Surveyor Selection Committee

Statutory Reference: Section 13-1-121 NMSA 1978 (Procurement Code).

Organizational Status: Unspecified; created by the Facilities Management Division of the General Services Department for each capital project.

Policy or Advisory? Advisory; selection committees change with each project.

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Indirect through the General Services Department; statutory per diem and mileage.

Membership: Four members as follows: one member from the agency for which the project is being designed; the director of the Facilities Management Division, who serves as chair, or the director's designee; one member designated by the Joint Practice Committee; and one member designated by the secretary of general services. The staff architect serves as staff to the selection committee.

Powers and Duties: Section 13-1-120 NMSA 1978: evaluates statements of qualifications and performance data submitted by at least three businesses; may conduct interviews and require public presentations; selects, ranked in order of qualifications, no fewer than three businesses deemed most highly qualified; and considers criteria specified in Section 13-1-121 NMSA 1978, not including price.

Section 13-1-121 NMSA 1978: this is a selection committee for public works projects, except highways.

Duplication, Similarity or Connection with Other Agencies: Similar to selection committees required by rule of the Department of Transportation.

Category: General Government

Canvassing Board, State

Statutory Reference: Article 5, Section 2 of the Constitution of New Mexico; Section 1-13-15 NMSA 1978 (Election Code).

Organizational Status: N/A

Policy or Advisory? N/A

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: No

Membership: The secretary of state, the governor and the chief justice of the New Mexico Supreme Court.

Powers and Duties: Canvass and declare the results of an election.

Section 1-13-18 NMSA 1978: carefully examines all election returns and certificates issued by county canvassing boards. If a discrepancy appears, the State Canvassing Board forwards such returns and certificates to the district court in which the precinct or county canvassing board is situated.

Duplication, Similarities or Connection with Other Agencies: None noted.

Category: General Government

Capitol Buildings Planning Commission

Statutory Reference: Section 15-10-1 NMSA 1978.

Organizational Status: Intergovernmental agency.

Policy or Advisory? Policy

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: No

Membership: Eleven members: four members of the legislature, two from each house appointed by the New Mexico Legislative Council; the secretary of general services or designee; the state treasurer or designee; the secretary of transportation or designee; the secretary of cultural affairs or designee; the secretary of finance and administration or designee; the chair of the Supreme Court Building Commission or designee; and the commissioner of public lands or designee. The Legislative Council Service provides staff for the commission in coordination with the staff architect and other staff of the Facilities Management Division of the General Services Department.

Powers and Duties: Section 15-10-1 NMSA 1978: studies and plans for the long-range facilities needs of state government in Santa Fe, Albuquerque and Las Cruces and, after developing an initial master plan for the state facilities in those areas, conducts a review of state properties throughout the state for the development of an overall master plan; reviews proposed lease-purchase agreements pursuant to Section 15-10-2 NMSA 1978; works with the General Services Department and other state agencies in developing recommendations for addressing deferred maintenance on state facilities and disposal strategies for aging facilities no longer able to serve their mission; and, using life-cycle costing, works with the General Services Department in developing recommendations regarding whether the state should lease, lease-purchase or purchase needed additional facilities. The commission shall meet regularly and shall report annually to the legislature on an annual update of the master plan for the long-range facilities needs of state government in the greater metropolitan areas of Las Cruces, Santa Fe and Albuquerque and throughout the state.

Duplication, Similarity or Connection with Other Agencies: Overlaps capital planning functions of the Facilities Management Division of the General Services Department and the Supreme Court Building Commission.

Category: General Government

Chief Hearing Officer Selection Committee

Statutory Reference: Section 7-1B-4 NMSA 1978 (Administrative Hearings Office Act).

Organizational Status: Administratively attached to the Department of Finance and Administration pursuant to Section 9-1-7 NMSA 1978.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Unspecified

Membership: Nine members, including four selected by the New Mexico Legislative Council, no more than two of whom are from the same political party; four selected by the governor, no more than two of whom are from the same political party; and a committee chair, selected by a majority of the other eight members, who is not a candidate for the position of chief hearing officer and is a former chief of the Hearings Bureau of the Taxation and Revenue Department, a former chief hearing officer or another person with extensive knowledge of tax law.

Powers and Duties: Section 7-1B-4 NMSA 1978: meets exclusively to nominate persons for the position of chief hearing officer; and convenes within 90 days before the date on which the term of the current chief hearing officer ends or no longer than 30 days after the occurrence of a vacancy in that position. Within 30 days after convening, submits to the governor the names of attorneys practicing law in New Mexico or another state who have knowledge of tax law, who have substantial experience making the record in administrative hearings suitable for judicial review and who are recommended for appointment by a majority of the committee. Upon request of the governor, the committee submits additional names of persons who are qualified for the position and whom the committee recommends.

Duplication, Similarity or Connection with Other Agencies: Administrative Hearings Office; Department of Finance and Administration.

Category: General Government

Child Advocate Selection Committee, State

Statutory Reference: Section 32A-30-5 NMSA 1978 (Office of Child Advocate Act).

Organizational Status: Administratively attached to the Office of the Attorney General.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Unspecified; members receive per diem and mileage as provided in the Per Diem and Mileage Act and receive no other compensation, perquisite or allowance.

Membership: Seven members, including: one member selected by the president pro tempore of the senate; one member selected by the minority floor leader of the senate; one member selected by the speaker of the house of representatives; one member selected by the minority floor leader of the house of representatives; one member selected by the governor; and two members selected by the chief justice of the supreme court. The committee selects a chair from its membership. The governor or a majority of the committee members may call a meeting of the committee to nominate persons to fill a current or impending vacancy in the position of state child advocate.

Powers and Duties: Section 32A-30-5 NMSA 1978: actively solicits, accepts and evaluates applications for the position of state child advocate and may require applicants to submit any information that the committee deems relevant to the consideration of applications. Within 90 days before the date on which the term of a state child advocate ends or no later than 30 days after the occurrence of a vacancy in the state child advocate position, the committee shall convene and, within 30 days after convening, submit to the governor the names of persons who are recommended for appointment to the position by a majority of the committee members. The governor shall fill a vacancy or appoint a successor to fill an impending vacancy in the office of state child advocate within 30 days after receiving final nominations from the committee by appointing one of the persons nominated by the committee.

Duplication, Similarity or Connection with Other Agencies: Office of Child Advocate.

Category: General Government

Citizen Redistricting Committee

Statutory Reference: Section 1-3A-3 NMSA 1978 (Redistricting Act).

Organizational Status: Unspecified

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: No direct appropriation; statutory per diem and mileage; members receive no other compensation.

Membership: Seven members appointed with due regard to the cultural and geographic diversity, including: one member appointed by the speaker of the house of representatives; one member appointed by the minority floor leader of the house of representatives; one member appointed by the president pro tempore of the senate; one member appointed by the minority floor leader of the senate; two members appointed by the State Ethics Commission, who shall not be members of the largest or second largest political parties in the state; and one member appointed by the State Ethics Commission, who shall be a retired justice of the New Mexico Supreme Court or a retired judge of the New Mexico Court of Appeals, and who shall chair the committee. No more than three members of the committee shall be members of the same political party. A member of the committee shall not have changed party registration in the two years preceding the member's appointment in such a manner that the member's prior party registration would cause one political party to have more than three members. A member of the committee shall not continue to serve on the committee if the member changes party registration after the date of appointment in such a manner as to cause one political party to have more than three members.

Members shall be appointed not later than July 1, 2021, and August 1 of each year ending in the number zero thereafter, and shall serve until a district plan for each of New Mexico's congressional districts, the New Mexico House of Representatives, the New Mexico Senate and other state offices requiring redistricting is submitted to the legislature. When any member of the committee dies, resigns or no longer has the qualifications required for the member's original appointment, the member's position on the committee becomes vacant and the chair shall notify the original appointing authority of the vacant position. The vacancy shall be filled by appointment by the original appointing authority no later than 15 days following notification of the vacancy.

To qualify for appointment to the committee, a person shall: be a qualified elector of New Mexico and a voter; and not be, or in the two years prior to appointment have been, in New Mexico, any of the following: a public official; a candidate for public office; a lobbyist; an office holder in a political party at the state or federal level; a relative in the first degree of consanguinity of a member of congress, the New Mexico House of Representatives, the New Mexico Senate or the Public Education Commission; an employee of Congress, the legislative branch of government or other state office required to be redistricted by the committee; or an employee of the executive branch of government.

Powers and Duties: Section 1-3A-5 NMSA 1978: adopts three district plans each for: New Mexico's congressional districts; the New Mexico House of Representatives; the New Mexico Senate; and the other state offices required to be redistricted; holds no fewer than six public meetings that allow for virtual participation before publishing the district plans for public comment; holds no fewer than six public meetings that allow for virtual participation for the purpose of adopting district plans; conducts meetings pursuant to the requirements of the Open Meetings Act; and compiles, indexes, maintains and provides public access to the committee's record for each district plan it adopts. The committee may, beginning no later than July 1, 2021 and August 1 in each year ending in zero thereafter, develop and adopt procedures for public hearings and hire staff and enter into contracts and any interagency agreements, including agreements to provide for professional technical or legal services.

Section 1-3A-6 NMSA 1978: holds meetings in various regions across the state, including in central New Mexico and in each of the four geographic quadrants of the state, with at least one meeting on tribal lands.

Section 1-3A-8 NMSA 1978: after the committee adopts the district plans, it provides written evaluations of each district plan that address the satisfaction of the requirements set forth in the Redistricting Act, the ability of racial and language minorities to elect candidates of their choice, a measure of partisan fairness and the preservation of communities of interest.

Section 1-3A-9 NMSA 1978: delivers its adopted district plans and accompanying written evaluations and all accompanying concise explanatory statements to the legislature by October 30, 2021, or as soon thereafter as practicable, and September 1 of each year ending in the number one thereafter.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: General Government

Civil Legal Services Commission

Statutory Reference: Section 34-14-1 NMSA 1978.

Organizational Status: Unspecified, but the Local Government Division of the Department of Finance and Administration provides staff and meeting space and administers contracts and programs.

Policy or Advisory? Unspecified; presumably policy.

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Indirect through the department; statutory per diem and mileage.

Membership: Five members with experience with civil legal matters affecting low-income persons. The governor appoints two members; the New Mexico Supreme Court appoints two members, both of whom shall be attorneys; and the state bar appoints one member, who also shall be an attorney. Terms are three years, staggered. The commission meets at the call of the chair, who is elected by the commission. The Local Government Division provides staff and meeting space.

Powers and Duties: Section 34-14-1 NMSA 1978: solicits proposals in accordance with the Procurement Code for disbursements from the Civil Legal Services Fund; enters into contracts with nonprofit organizations for civil legal services for low-income New Mexico residents; and adopts rules.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: General Government

Connect New Mexico Council

Statutory Reference: Section 63-9K-3 NMSA 1978 (Connect New Mexico Act).

Organizational Status: Administratively attached to the Department of Information Technology.

Policy or Advisory? Advisory

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Other state funds = Connect New Mexico Fund; statutory per diem and mileage as provided for nonsalaried public officers in the Per Diem and Mileage Act; members receive no other compensation.

Membership: Fifteen members, including the secretary of transportation or the secretary's designee; the secretary of economic development or the secretary's designee; the secretary of cultural affairs or the secretary's designee; the secretary of information technology or the secretary's designee; the executive director of the New Mexico Mortgage Finance Authority or the executive director's designee; the secretary of higher education or the secretary's designee; the director of the Public School Facilities Authority or the director's designee; five members of the public who have experience with broadband access and connectivity challenges for either private business or public institutions, appointed as follows: one member appointed by the speaker of the house of representatives; one member appointed by the minority floor leader in the house of representatives; one member appointed by the president pro tempore of the senate; one member appointed by the minority floor leader in the senate; and one member appointed by the governor; and three members appointed by the secretary of Indian affairs: one representative of the Navajo Nation, one representative of Apache tribal governments and one representative of Indian pueblo tribal governments, who are experienced with broadband access and connectivity issues. Members serve staggered four-year terms.

Powers and Duties: Section 63-9K-4 NMSA 1978: advises and makes recommendations to the Office of Broadband Access and Expansion regarding the coordination of broadband programs and broadband projects in accordance with the statewide broadband plan; advises the office concerning the development of a grant program and makes recommendations for grant awards from the Connect New Mexico Fund; and adopts rules regarding the administration of grants from the Connect New Mexico Fund, including the application procedure, the required qualifications for projects and the purposes for which the grants may be used.

Section 63-9K-5 NMSA 1978: consults local and tribal governments, public educational institutions and state agencies to develop a digital equity analysis and plan to address: the challenges to digital inclusion that are posed by the lack of affordable quality service, broadband-enabled devices or the knowledge of how to use the devices effectively in different age, cultural or geographic populations across the state; the federal and private sector programs that could be applied to by state agencies or local or tribal governments to address the challenges; and existing state programs or state programs that could be established that address or could leverage federal and private sector programs to address the challenges.

Duplication, Similarity or Connection with Other Agencies: Department of Information Technology; Office of Broadband Access and Expansion.

Category: General Government

Construction Management and Surveyor Selection Committee

Statutory Reference: Section 13-1-120 NMSA 1978 (Procurement Code).

Organizational Status: Administratively attached to the General Services Department.

Policy or Advisory? Advisory. The committee recommends professionals for construction management projects. A different selection committee is created for each project.

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Unspecified

Membership: Unspecified

Powers and Duties: Section 13-1-120 NMSA 1978: evaluates statements of qualifications and performance data submitted by at least three businesses in regard to a particular project; may conduct interviews with and require public presentations by all businesses applying for selection regarding their qualifications, their approach to the project and their ability to furnish the required services; and selects, ranked in the order of their qualifications, no fewer than three businesses deemed the most highly qualified to perform the required services. If fewer than three businesses have submitted a statement of qualifications for a particular project, the committee may rank them in order of qualifications and submit the rankings to the secretary of general services or local governing authority of the public body or may recommend terminating the selection process pursuant to Section 13-1-131 NMSA 1978 and send out new notices of the proposed procurement pursuant to Section 13-1-104 NMSA 1978.

Duplication, Similarity or Connection with Other Agencies: General Services Department.

Category: General Government

Cybersecurity Advisory Committee

Statutory Reference: Section 9-27A-5 NMSA 1978 (Cybersecurity Act).

Organizational Status: Created in the Cybersecurity Office.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Indirect through the Cybersecurity Office. Statutory per diem and mileage.

Membership: Fourteen members, including the state chief information security officer or designee, who serves as chair and an advisory nonvoting member; the secretary of information technology or designee; the principal information technology staff person for the Administrative Office of the Courts or designee; the director of the Legislative Council Service or designee; one member appointed by the secretary of Indian affairs who is experienced with cybersecurity issues; three members appointed by the board of directors of the New Mexico Association of Counties who represent county governmental agencies and who are experienced with cybersecurity issues, with at least one member representing a county other than a class A or H class county; three members appointed by the board of directors of the New Mexico Municipal League who represent municipal governmental agencies and who are experienced with cybersecurity issues, with only one member representing a home rule municipality; and three members appointed by the governor who may represent agencies other than the Department of Information Technology and are experienced with cybersecurity issues. The committee may invite representatives of unrepresented county, municipal or tribal agencies and other public entities to participate as advisory members if it determines that their participation would be useful to the committee.

Powers and Duties: Section 9-27A-5 NMSA 1978: assists the Cybersecurity Office in the development of a statewide security plan, guidelines for best cybersecurity practices for agencies and recommendations on how to respond to a specific cybersecurity threat or attack; has authority over the hiring, supervision, discipline and compensation of the state chief information security officer; and presents reports annually to the Legislative Finance Committee, the appropriate legislative interim committee and the governor. The committee may issue advisory reports regarding cybersecurity issues.

Duplication, Similarity or Connection with Other Agencies: Cybersecurity Office; Department of Information Technology; Homeland Security and Emergency Management Department.

Category: General Government

Disabilities, New Mexico Council for Purchasing from Persons with

Statutory Reference: Section 13-1C-4 NMSA 1978 (State Use Act).

Organizational Status: Unspecified

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: No; per diem and mileage not allowed.

Membership: Nine members as follows: state purchasing agent or designee; two persons appointed by the governor who represent state agencies that purchase significant amounts of goods and services from the private sector, or their designees; one person appointed by the governor who is a state-employed vocational rehabilitation counselor and who is familiar with the employment needs of persons with disabilities and with current pricing and marketing of goods and services; and two persons with disabilities, one person familiar with the employment needs of persons with disabilities and current pricing and marketing of goods and services and two persons who represent community rehabilitation programs that provide employment services to persons with disabilities, all selected by mutual agreement of the other four members. Terms are three years. The council elects the chair. A quorum of seven members is required by the law.

Powers and Duties: Section 13-1C-5 NMSA 1978: adopts rules that: (1) determine which services provided by persons with disabilities are suitable for sale to state agencies and local public bodies; (2) establish, maintain and publish a list of all services identified; (3) verify fair market prices; (4) establish a procedure to certify eligible community rehabilitation programs and qualified individuals; (5) establish a procedure for approval of a central nonprofit agency that holds contracts and facilitates equitable distribution of orders for services to be procured by state agencies and local public bodies; (6) establish procedures for the operation of the approved central nonprofit agency, including fee structure for its services; (7) address other necessary matters; and (8) ensure that the work provides opportunities for integration with nondisabled persons and fair pay and that it adds value to the service provided. Not later than 180 days following the close of each fiscal year, the council shall submit a report to the governor, the legislature and each community rehabilitation program, which report includes the names of the council members serving during the preceding fiscal year, the dates of council meetings during that year and any recommendations for changes to the State Use Act.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: General Government

Educational Retirement Board

Statutory Reference: Section 22-11-3 NMSA 1978 (Educational Retirement Act).

Organizational Status: Adjunct

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: General appropriation act; other state funds = Educational Retirement Fund; per diem and mileage.

Membership: Nine members as follows: the secretary of public education or designee; the state treasurer or designee; one member elected for a four-year term by the New Mexico Association of Educational Retirees; one member elected for a four-year term by the National Education Association-New Mexico; one member elected for a four-year term by the New Mexico members of the American Association of University Professors; one member elected for a four-year term by the members of the American Federal of Teachers New Mexico; the secretary of higher education or designee; and two members with a background in investments, finance or pension fund administration appointed by the governor for four-year terms.

Other: This is not a direct General Fund agency; however, employee retirement is funded with public money.

Powers and Duties: Section 22-11-6 NMSA 1978: carries out the provisions of the Educational Retirement Act; may select and contract for the services of custodial banks; and may contract for legal services for litigation matters on a contingent fee basis.

Duplication, Similarity or Connection with Other Agencies: Provides the same services for educational retirees that the Public Employees Retirement Association does for public employee retirees.

Category: General Government

Ethics Commission, State

Statutory Reference: Article 5, Section 17 of the Constitution of New Mexico; Section 10-16G-3 NMSA 1978 (State Ethics Commission Act).

Organizational Status: Independent state agency under the direction of seven commissioners.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: General appropriation act. Statutory per diem and mileage; members shall receive no other compensation.

Membership: Seven appointed commissioners, including one commissioner appointed by the speaker of the house of representatives; one commissioner appointed by the minority floor leader of the house of representatives; one commissioner appointed by the president pro tempore of the senate; one commissioner appointed by the minority floor leader of the senate; two commissioners appointed by the four legislatively appointed commissioners; and one commissioner appointed by the governor, who shall be a retired judge and who shall chair the commission. No more than three members of the commission may be members of the same political party. The appointing authorities shall give due regard to cultural diversity and geographical representation. Commissioners shall be appointed for staggered terms of four years, not to exceed two consecutive four-year terms.

To qualify for appointment a person shall: be a qualified elector of New Mexico; not have changed party registration in the five years next preceding the member's appointment in such a manner that the member's prior party registration would make the member ineligible to serve on the commission; not continue to serve as a commissioner if the member changes party registration after the date of appointment in such a manner as to make the member ineligible to serve on the commission; and not have held the following positions within two years prior to appointment: a public official; a public employee; a candidate; a lobbyist; a government contractor; or an office holder in a political party at the state or federal level.

Powers and Duties: Section 10-16G-5 NMSA 1978: receives and investigates complaints alleging ethics violations against public officials, public employees, candidates, persons subject to the Campaign Reporting Act, government contractors, lobbyists and lobbyists' employers; holds hearings in appropriate cases to determine whether there has been an ethics violation; compiles, indexes, maintains and provides public access to all advisory opinions and reports

required to be made public pursuant to the State Ethics Commission Act; drafts a proposed code of ethics for public officials and public employees and submits the proposed code to each elected public official and public agency for adoption; and submits an annual report of its activities, including any recommendations regarding state ethics laws or the scope of its powers and duties, in December of each year to the legislature and the governor. The commission may: by approval of at least five commissioners, initiate complaints alleging ethics violations against a public official, public employee, candidate, person subject to the Campaign Reporting Act, government contractor, lobbyist or lobbyist's employer; petition a district court to issue subpoenas under seal requiring the attendance of witnesses and the production of books, records, documents or other evidence relevant or material to an investigation; issue advisory opinions in accordance with the provisions of the State Ethics Commission Act; compile, adopt, publish and make available to all public officials, public employees, government contractors and lobbyists an ethics guide that clearly and plainly explains the ethics requirements set forth in state law, including those that relate to conducting business with the state and public agencies; and offer annual ethics training to public officials, public employees, government contractors, lobbyists and other interested persons.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: General Government

Finance, State Board of

Statutory Reference: Section 6-1-1 NMSA 1978.

Organizational Status: Established in connection with the Board of Finance Division of the Department of Finance and Administration.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes, for public members.

Sunset? No

Funding: General appropriation act; statutory per diem and mileage in division budget.

Membership: Seven members as follows: governor; lieutenant governor; state treasurer; and four members appointed by the governor, with the advice and consent of the senate, who serve two-year terms and no more than two of whom can be from the same political party. The governor serves as president.

Powers and Duties: Section 6-1-1 NMSA 1978: generally supervises the state's fiscal affairs and safekeeping and depositing of all money and securities belonging to or in custody of the state; may make rules to carry out this section and various public money sections of law; may request the Financial Institutions Division of the Regulation and Licensing Department to make special examinations of state banks, trust companies and savings and loan associations; may make investigations; and approves the secretary of finance and administration's appointment of the Board of Finance Division director.

Section 6-1-2 NMSA 1978: may lend or grant emergency money to any state agency, board, commission, municipal corporation or other political subdivision.

Section 6-1-3 NMSA 1978: may prescribe any loan terms and conditions it deems proper.

Section 6-4-2.3 NMSA 1978: approves the governor's transfer of the General Fund operating reserve.

Section 6-10-30 NMSA 1978: sets interest rates on time deposits of public money.

Section 6-10-35 NMSA 1978: may designate and monitor a bank or savings and loan association as fiscal agent and designate state checking depositories.

Section 6-17-3 NMSA 1978: approves income-producing project bonds and purchase-mortgage security instruments issued by boards of regents.

Section 6-20-11 NMSA 1978: performs administrative duties pertaining to the Private Activity Bond Act.

Section 7-27-10 NMSA 1978: is authorized to issue and sell severance tax bonds and supplemental severance tax bonds.

Section 7-27-10.1 NMSA 1978: may issue severance tax bonds for use by the Tribal Infrastructure Board to fund tribal infrastructure projects.

Section 7-27-12.2 NMSA 1978: may issue and sell supplemental severance tax bonds in compliance with the Severance Tax Bonding Act when the Public School Capital Outlay Council or secretary of public education certifies the need for such bonds.

Section 13-6-2.1 NMSA 1978: approves sale, trade or lease of real property over $25,000.

Section 21-1-38 NMSA 1978: adopts regulations governing the investment and distribution of endowment funds by educational institutions.

Section 33-1A-5 NMSA 1978: approves leases of low-rent housing units constructed for correctional officers.

Section 41-5-25 NMSA 1978: approves investment of the Patient's Compensation Fund.

Sections 74-6A-10 and 74-6A-12 NMSA 1978: may issue bonds pursuant to the Wastewater Facility Construction Loan Act.

Duplication, Similarity or Connection with Other Agencies: Connected with the Board of Finance Division; similarities with the Investment Office and the state treasurer.

Category: General Government

Gaming Control Board

Statutory Reference: Section 60-2E-5 NMSA 1978 (Gaming Control Act).

Organizational Status: Adjunct

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes, for public members.

Sunset? No

Funding: General appropriation act; other state funds = gaming receipts. Statutory per diem and mileage.

Membership: Five members, all residents of New Mexico and citizens of the United States. The chair of the State Racing Commission serves ex officio. Four members are appointed by the governor with the advice and consent of the senate:

(1) one who has a minimum of five years of previous employment in a supervisory and administrative position in a law enforcement agency;

(2) one who is a certified public accountant in New Mexico with at least five years' experience in public accountancy;

(3) one who is an attorney licensed in New Mexico; and

(4) one who is a public member who has knowledge and experience in business management and financing.

Appointed members of the board serve terms of five years. No member shall serve more than two consecutive terms or more than 10 years total. Law enforcement, certified public accountant and attorney members serve full time and receive salaries. The governor selects the chair annually from among the full-time salaried members.

Other: Board has subpoena power.

Powers and Duties: Section 60-2E-7 NMSA 1978: implements the state's policy on gaming consistent with the provisions of the Gaming Control Act and the New Mexico Bingo and Raffle Act and all responsibilities assigned to it pursuant to those acts and has all the authority necessary to carry out those responsibilities; may delegate authority to the executive director, but the board retains accountability; monitors all activity authorized in Indian gaming compacts; may conduct background investigations pursuant to the Horse Racing Act; and may issue subpoenas, impose civil fines, seize and impound property and grant testimonial immunity.

Section 60-2F-6 NMSA 1978: has powers necessary to implement the New Mexico Bingo and Raffle Act.

Duplication, Similarity or Connection with Other Agencies: The New Mexico Lottery Authority, an instrumentality of the state, regulates lottery activity.

Category: General Government

Governor's Residence Advisory Commission

Statutory Reference: Section 15-3A-1 NMSA 1978.

Organizational Status: Administratively attached to the General Services Department.

Policy or Advisory? Unspecified

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Indirect through the General Services Department; statutory per diem and mileage.

Membership: Five members as follows: the governor or the governor's designee; the secretary of general services or the secretary's designee; and three members appointed by the governor from a list of names submitted by the Governor's Mansion Foundation. Terms are four years. The commission elects the chair.

Powers and Duties: Section 15-3A-2 NMSA 1978: plans, assembles, disposes of and acquires furnishings, art, landscaping materials and plants and other decorations for public areas of the governor's residence; monitors and reports on maintenance needs to the General Services Department and the legislature; conducts a detailed inventory and assessment at the beginning of each term and annually; develops statewide interest in the residence and enhances the governor's ability to provide appropriate hospitality; may use assistance of individuals, the General Services Department, other state agencies and nonprofit corporations to carry out its duties; may accept gifts, donations and bequests; and may enter into public promotions and publish materials it deems appropriate.

Duplication, Similarity or Connection with Other Agencies: Facilities Management Division of the General Services Department.

Category: General Government

Group Benefits Committee

Statutory Reference: Section 10-7B-3 NMSA 1978 (Group Benefits Act).

Organizational Status: Advisory to the State Health Benefits Division of the Health Care Authority.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: No

Membership: Nine members as follows: one employee from each of the two largest state agencies, excluding state institutions of higher education, appointed by their secretaries; superintendent of insurance; director of the State Personnel Office; executive secretary of the Public Employees Retirement Association; chief financial officer of a state agency or institution, appointed by the governor; one employee of a local public body participating in the state group plan, appointed by the governor; and two public employees of state agencies other than those already represented on the committee, appointed by the governor. Appointed members serve four-year terms. The position of an appointed member becomes vacant upon failure to attend three consecutive meetings.

Powers and Duties: Section 10-7B-4 NMSA 1978: reviews and advises the director of the State Health Benefits Division on: all group benefits coverages included or to be included in the state group plan, all professional, technical or consulting contracts as to companies and agents to be selected to submit proposals, rules relating to group benefits insurance and self-insurance and guidelines establishing rates for and methods of rating participating state agencies and local public bodies; performs other duties and exercises other powers provided by law; and reviews matters specified in this section, which review by the committee preempts review of matters previously accorded to the Risk Management Advisory Board.

Section 10-7B-5 NMSA 1978: approves the director's apportionment of costs of benefits administration and other costs to participating entities and their employees.

Duplication, Similarity or Connection with Other Agencies: State Health Benefits Division of the Health Care Authority.

Category: General Government

Indian Affairs Commission

Statutory Reference: Section 9-21-13 NMSA 1978 (Indian Affairs Department Act).

Organizational Status: Advisory to the Indian Affairs Department.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Indirect through the department's appropriation; statutory per diem and mileage.

Membership: Ten members, all New Mexico residents, consisting of three Pueblo Indians, three Navajo Indians, two Apache Indians, one urban Indian and one non-Indian. Indian members, except the urban Indian member, shall be appointed from lists of names submitted by the All Indian Pueblo Council, the Jicarilla and Mescalero tribal councils and the Navajo Nation. Members serve at the pleasure of the governor. Vacancies shall be filled by appointment by the governor for the unexpired term. The governor shall appoint the chair, and the commission may select such other officers as the commission deems necessary.

Powers and Duties: Section 9-21-14 NMSA 1978: conducts meetings to provide an opportunity for presentations that result in promotion of the welfare of the Indian people; receives and disseminates information on issues with a significant impact on the welfare of Indian people; apprises the secretary of Indian affairs of conditions in Native American communities in New Mexico; and advises the secretary on policy matters related to the department's powers and duties.

Duplication, Similarity or Connection with Other Agencies: Indian Affairs Department.

Category: General Government

Information Technology Rate Committee

Statutory Reference: Section 9-27-7 NMSA 1978 (Department of Information Technology Act).

Organizational Status: Unspecified; internal to the executive branch.

Policy or Advisory? Unspecified; appears to be policy.

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: None; members are state employees for whom per diem and mileage would not be expected or whose agency would pay.

Membership: Seven members consisting of five members appointed by the governor from executive agencies that use information technology services and pay rates to an internal service fund; the secretary of finance and administration, who shall serve as chair of the committee; and the secretary of information technology.

Powers and Duties: Section 9-27-7 NMSA 1978: reviews the rate and fee schedule proposed by the secretary; ensures that the rate and fee schedule complies with the federal Office of Management and Budget Circular A-87 or its successor directive; considers for approval an equitable rate and fee schedule based on cost recovery for state agencies that use information technology services and pay rates to an internal service fund, with priority service to public safety agencies; presents the committee's proposed rate and fee schedule by June 1 of each year to the Office of the Governor, the Department of Finance and Administration and the Legislative Finance Committee; and by July 15 of each year, implements a rate and fee schedule based on the committee's recommendations.

Other: A reduction in rates or fees by the Department of Information Technology shall not require the committee's approval if the reduction is based on cost recovery and if the committee is notified timely.

Duplication, Similarity or Connection with Other Agencies: Department of Information Technology.

Category: General Government

Insurance Nominating Committee

Statutory Reference: Article 11, Section 20 of the Constitution of New Mexico; Section 59A-2-2.1 NMSA 1978.

Organizational Status: Administratively attached to the Office of Superintendent of Insurance.

Policy or Advisory? Policy

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: None specified. Members are eligible for per diem and mileage.

Membership: Nine members as follows: four appointed by the New Mexico Legislative Council; four appointed by the governor; and the ninth appointed by those eight who shall serve as the chair. Two of the members appointed by the New Mexico Legislative Council and two of the members appointed by the governor shall represent the interests of the insurance industry. Two of the members appointed by the New Mexico Legislative Council and two of the members appointed by the governor shall represent the interests of insurance consumers and have experience advocating on behalf of consumers or the public interest on insurance matters. No more than two of the four members appointed by both the New Mexico Legislative Council and the governor shall be from the same political party. The ninth member shall be a former New Mexico superintendent of insurance or a person with extensive knowledge of insurance regulation in New Mexico. A vacancy shall be filled by the original appointing authority for the remainder of the term.

Powers and Duties: Selects a superintendent of insurance. May remove the superintendent for incompetence, willful neglect of duty or malfeasance in office.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: General Government

Interagency Pharmaceuticals Purchasing Council

Statutory Reference: Section 9-17-9 NMSA 1978 (General Services Department Act).

Organizational Status: Administratively attached to the General Services Department.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Unspecified

Membership: Eleven voting, ex-officio members, including: the secretary of human services [health care authority] or the secretary's designee; the secretary of health or the secretary's designee; the secretary of children, youth and families or the secretary's designee; the secretary of corrections or the secretary's designee; the director of the Risk Management Division of the General Services Department or the director's designee; the executive director of the Retiree Health Care Authority or the executive director's designee; the executive director of the Public School Insurance Authority or the executive director's designee; the superintendent of the Albuquerque Public School District or the superintendent's designee; the president of the University of New Mexico or the president's designee; and two members, appointed by the governor, who are officers of, or representative of organizations that represent, county, municipal or local government entities that participate in consolidated purchasing of pharmaceuticals or pharmacy benefits with other constituent agencies. The secretary of general services serves as director of the council and is responsible for the coordination of the day-to-day activities of the council.

Powers and Duties: Section 9-17-9 NMSA 1978: reviews and coordinates cost-containment strategies for the procurement of pharmaceuticals and pharmacy benefits and the pooling of risk for pharmacy services by the constituent agencies; identifies ways to leverage constituent agencies' pharmaceutical and pharmacy benefits procurement; identifies other cost-saving opportunities for New Mexico residents purchasing pharmaceuticals or pharmacy benefits in the private sector; and decides by vote which cost-containment strategies it will recommend.

Duplication, Similarity or Connection with Other Agencies: General Services Department.

Category: General Government

Investment Council, State

Statutory Reference: Section 6-8-2 NMSA 1978.

Organizational Status: Adjunct

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes, public members and higher education institution chief financial officers.

Sunset? No

Funding: General appropriation act; statutory per diem and mileage for public members only.

Membership: The governor; the state treasurer; the commissioner of public lands; the secretary of finance and administration; two members appointed by the governor with the advice and consent of the senate; the chief financial officer of a state institution of higher education appointed by the governor with the advice and consent of the senate; and four members appointed by the New Mexico Legislative Council with the advice and consent of the senate, with no more than two members from the same political party. The governor is chair, and the vice chair is selected by the council. All actions are by majority vote, and a majority of members constitutes a quorum. Public members serve staggered five-year terms.

Section 6-8-3 NMSA 1978: Public members shall be qualified by competence and no less than 10 years' experience in the field of investment management, risk management, corporate governance, investment accounting or finance. Members shall not have had any contracts to do business with the council, the Investment Office, the state treasurer, the Educational Retirement Board, the Public Employees Retirement Association, the New Mexico Finance Authority or the State Board of Finance for a period of two calendar years prior to the person's appointment to the council and shall not enter into contracts to do business with any of the named agencies or instrumentalities for a period of two calendar years after the end of the term for which the member was appointed. The higher education appointee serves at the pleasure of the governor. The public members may be removed, in the manner provided for removal of boards of regents, by the appointing authority for failure to attend three consecutive meetings or other cause. Vacancies are filled in the same manner as the original appointment.

Other: Members of the council and its officers and employees are governed by the Governmental Conduct Act; provided that neither the Investment Office statutes nor the Governmental Conduct Act may be construed as prohibiting an officer of a financial institution

from participating as a member of the council in setting general polices of the council or prohibiting the council or the state treasurer from depositing funds in any financial institution.

Powers and Duties: Section 6-8-4 NMSA 1978: appoints the state investment officer and determines the officer's salary.

Section 6-8-5 NMSA 1978: reviews and approves the annual budget of the Investment Office.

Section 6-8-7 NMSA 1978: adopts policymaking rules and resolutions; authorizes purchases, sales, exchanges, investments and reinvestments of the assets of all funds in accordance with the Uniform Prudent Investor Act; with the state investment officer, is trustee of all funds under its control and sees that money is at all times handled in the best interests of the state; may delegate administrative and investment-related functions to the state investment officer; approves investment rules and resolutions pertaining to the kind or nature of investments and limitations, conditions and restrictions on the methods, practices or procedures for investment, reinvestment, purchase, sale or exchange transactions that govern the activities of the Investment Office; meets at least 10 times per year, and as often as exigencies might demand, to consult with the state investment officer, has access to all files and records of office and requires the state investment officer to report on and provide information necessary to the performance of council functions; may hire investment management or consulting firms to advise it regarding the council's overall investment plan and pays reasonable compensation for such services from the assets of applicable funds; may form and use committees to study and make recommendations to the council; provides an opportunity for public comment at its meetings; may select and contract for custodian banks; may contract with any other state agency to provide investment advisory or management services separately or through a pooled investment fund and have authority to enter into joint powers agreements with other state agencies; may contract for legal services on a contingent fee basis, subject to the review of the terms of the contract by the attorney general and the Department of Finance and Administration and to the disclosure by prospective contractors of political contributions. Council, state investment officer, staff and any other person providing investment advice for a fee or other compensation and all persons exercising discretionary authority or control of funds under management of council are fiduciaries and are indemnified by the state.

Section 7-27-5.15 NMSA 1978: allows investments in New Mexico private equity funds and New Mexico businesses whose investments or enterprises enhance the economic development of the state.

Section 7-27-5.26 NMSA 1978: approves investment in New Mexico film private equity funds or in a New Mexico film project.

Duplication, Similarity or Connection with Other Agencies: Investment duties are similar to the state treasurer. There may be other similarities with the State Board of Finance and the state treasurer.

Category: General Government

Land Grant Council

Statutory Reference: Section 49-11-3 NMSA 1978 (Land Grant Support Act).

Organizational Status: Administratively attached to the Department of Finance and Administration.

Policy or Advisory? N/A

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: General appropriation act, if funded, though funding may be indirect through the Department of Finance and Administration; statutory per diem and mileage.

Membership: Five members, appointed by the governor from the boards of directors of land grants for staggered terms of four years, with two members of the initial council selected by lot to serve an initial term of two years. The council shall appoint a chair and may appoint such other officers as it deems necessary. The council meets at least quarterly, and meetings are called by the chair or at the request of at least three members of the council.

Powers and Duties: Section 49-11-3 NMSA 1978: may hire staff and contract for services to carry out the purposes of the Land Grant Support Act.

Section 49-11-4 NMSA 1978: the council, through its staff or contract agents, may: apply for and accept grants, gifts or donations; assist land grants in all areas of land grant fiscal and programmatic management, including planning, economic development and infrastructure development; establish cooperative purchasing capabilities for land grants; perform special studies and undertake surveys of interest to land grants and report the findings; serve as fiscal agent and administrator for federal and state grants-in-aid and other funding for a land grant when necessary; facilitate or enter into agreements with state and federal agencies on behalf of land grants; enter into contracts to carry out the purposes of the act; and provide other assistance to land grants. The council, through its staff or contract agents, shall: facilitate the exchange of experience and advice among land grants; serve as a liaison between land grants and federal, state and local agencies; promote cooperation between land grants and, by consultation and advice, assist in the coordination of land grant programs; provide board development opportunities and technical assistance to the governing boards of land grants; provide short- and long-range planning assistance to land grants; and conduct training sessions for land grants on topics of interest, such as: local, state and national zoning trends and concerns and other land-use issues, state requirements for political subdivisions on such topics as open meetings, public

records, procurement, risk management, tort claims and financial accountability, techniques of historical research, grant writing, economic development strategies and rangeland management and water conservation. The council shall: disseminate information to relevant federal, state and local agencies on land grant issues and activities and, when requested, on the status of individual land grants; develop and promote federal legislation for an appropriate congressional response to long-standing community land grant claims in New Mexico; and review state and federal policies, plans and legislation affecting land grants in New Mexico.

Section 49-11-5 NMSA 1978: reports to the governor and the legislature by December 1 of each year on the state of land grants in New Mexico and the activities of the council for that year.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: General Government

Main Street Revolving Loan Committee

Statutory Reference: Section 3-60C-4 NMSA 1978 (Main Street Revolving Loan Act).

Organizational Status: Unspecified

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No, but federal funding is available.

Senate Confirmation? No

Sunset? No

Funding: Unspecified; statutory per diem and mileage for public members.

Membership: Six members as follows: director of the Historic Preservation Division of the Cultural Affairs Department or designee; coordinator of the Main Street Program or designee; chair of the Cultural Properties Review Committee or designee; director of the Local Government Division of the Department of Finance and Administration or designee; a member appointed by the governor with expertise in small loans; and chair of the board of directors of Friends of New Mexico MainStreet, Inc., or designee. Committee elects its chair and other officers and meets at the call of the chair at least four times per year.

Powers and Duties: Section 3-60C-4 NMSA 1978: by rule, establishes eligibility criteria for properties and owners, establishes procedures to govern the application outreach and marketing of the loan program and promulgates such other rules as are necessary to carry out the provisions of the Main Street Revolving Loan Act; after considering the recommendations of the Historic Preservation Division, makes awards of loans or loan subsidies; and approves expenditures by the division for marketing, managing and administering the loan program.

Section 3-60C-6 NMSA 1978: adopts a procedure for the priority ranking of applications and projects, both eligible and ineligible for federal funding assistance, for which loan or loan subsidy applications have been received by the Historic Preservation Division and reviews its procedure annually.

Duplication, Similarity or Connection with Other Agencies: Historic Preservation Division.

Category: General Government

Personnel Board

Statutory Reference: Section 10-9-8 NMSA 1978 (Personnel Act).

Organizational Status: Administratively attached to the General Services Department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes

Sunset? No

Funding: General appropriation act; statutory per diem and mileage.

Membership: Five members appointed by the governor and confirmed by the senate for staggered five-year terms. Members shall not be state employees or officials or officers of a political organization.

Powers and Duties: Section 10-9-10 NMSA 1978: promulgates rules to carry out provisions of the Personnel Act; hears appeals and makes recommendations to employers; hires, with approval of the governor, a director; reviews budget requests of the State Personnel Office; makes necessary investigations, studies and audits; makes annual reports; establishes and maintains liaison with the General Services Department; and represents public interest in the improvement of personnel administration.

Duplication, Similarity or Connection with Other Agencies: Each department (and some smaller agencies) also has a personnel office.

Category: General Government

Procurement Standards and Specifications Committee, State

Statutory Reference: Section 13-1-162 NMSA 1978 (Procurement Code).

Organizational Status: Unspecified

Policy or Advisory? Policy

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: No direct appropriation; per diem and mileage not statutory.

Membership: The state purchasing agent, who is chair, and the following members knowledgeable in procurement procedures, appointed by the secretary of general services with the approval of the governor as follows: one representative each of the transportation, health and environment [sic] and corrections departments; one elected county official or full-time county employee; one elected municipal official or full-time municipal employee; one elected district school board member or full-time school employee; two persons representing other state departments; and two persons from the private sector. Terms are coextensive with the term of the governor; local government members also shall maintain office or position. The state purchasing agent provides necessary staff.

Other: The General Services Department reports that the committee has been inactive for several years.

Powers and Duties: Section 13-1-163 NMSA 1978: prepares standards, specifications and a list of acceptable brand-name items and seeks the advice of state agencies and local public bodies to ascertain common and special requirements; develops model specifications; assists the state purchasing agent in the preparation of rules; appoints ad hoc committees to study any commodity or commodity group; and may make use of laboratories, engineering facilities and technical staff of any state department or agency, including educational institutions.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: General Government

Public Employee Labor Relations Board

Statutory Reference: Section 10-7E-8 NMSA 1978 (Public Employee Bargaining Act).

Organizational Status: Unspecified

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: General appropriation act; statutory per diem and mileage.

Membership: Three members appointed by the governor, with one member recommended by organized labor representatives actively involved in representing public employees, one member recommended by public employers actively involved in collective bargaining and one member jointly recommended by the other two appointees. Members serve staggered three-year terms commencing on July 1; members may serve an unlimited number of terms. Vacancies are filled in the same manner as original appointments for the remainder of the unexpired terms. During the term for which appointed, a board member shall not hold or seek any other political office or public employment or be an employee of a labor organization or an organization representing public employees or public employers.

Other: The board has subpoena power and may impose administrative penalties.

Powers and Duties: Section 10-7E-9 NMSA 1978: promulgates rules to accomplish and perform its functions and duties as established in the Public Employee Bargaining Act, including designation of appropriate bargaining units; selection, certification and decertification of exclusive representatives; and filing of, hearing on and determination of complaints of prohibited practices. The board has the power to enforce provisions of the Public Employee Bargaining Act through administrative remedies, actual damages related to dues, back pay including benefits, seniority status reinstatement, declaratory or injunctive relief or provisional remedies. Also, holds hearings and makes inquiries, conducts studies and requests information and data from public employers and labor organizations. The board may: issue subpoenas, hire personnel and contract. The board decides issues by majority vote.

Section 10-7E-10 NMSA 1978: under certain conditions, approves creation of local boards.

Duplication, Similarity or Connection with Other Agencies: State Personnel Board; State Personnel Office. Statute allows the creation of local boards.

Category: General Government

Public Employees Retirement Board

Statutory Reference: Section 10-11-130 NMSA 1978 (Public Employees Retirement Act).

Organizational Status: Independent

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: General appropriation act; other state funds; funds included under the Public Employees Retirement Act; statutory per diem and mileage.

Membership: The secretary of state; the state treasurer; four members under a state coverage plan elected by members of that plan; four members under a municipal coverage plan elected by members of that plan, including one municipal member employed by a county; and two retired members elected by retired members of the Public Employees Retirement Association. Members serve four-year terms. Four unexcused absences are considered a resignation. The board shall meet at least quarterly. The board elects the chair and vice chair.

Other: Has subpoena power and power to administer oaths. The state treasurer is the treasurer of the board and custodian of its funds.

Powers and Duties: Administers state retirement system acts.

Section 10-11-131 NMSA 1978: appoints the executive director and other professional staff; fixes employee compensation.

Section 10-7A-3 NMSA 1978: reviews and approves deferred compensation plans for participation by state and local public employees.

Section 10-7A-5 NMSA 1978: reviews proposals providing investment options to participants of a deferred compensation plan submitted by deferred compensation carriers that have been engaged for a minimum of three years in the business of funding public employee deferred compensation plans authorized by 26 U.S.C. Section 457; and approves proposals that are consistent with the goals of providing state or local public employees with an investment that, in the opinion of the board, is safe and will provide a reasonable return to the employees upon their reaching the appropriate age or date at which they may begin receiving funds from the deferred compensation plan.

Duplication, Similarity or Connection with Other Agencies: Educational Retirement Board.

Category: General Government

Public Records, State Commission of

Statutory Reference: Section 14-3-3 NMSA 1978 (Public Records Act).

Organizational Status: Adjunct

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No, but there are federal incentives.

Senate Confirmation? No

Sunset? No

Funding: General appropriation act; reimbursed for actual expenses for meetings and official duties.

Membership: Seven members as follows: secretary of state; secretary of general services; librarian of the state law library; secretary of cultural affairs; state auditor; attorney general; and a recognized, professional historian trained in the field of New Mexico history who is a New Mexico resident. The public member is appointed by the governor for a six-year term. The commission elects the chair and the secretary. It meets not less than four times a year. The state records administrator is required to attend all meetings.

Powers and Duties: Section 14-3-4 NMSA 1978: employs state records administrator; approves biennial budget; decides disagreements between the administrator and state officials; determines records destruction; approves material loans; adopts rules; requests designation of records liaison officers from state agencies; and prepares an annual report to the governor.

Section 14-3-5 NMSA 1978: may accept gifts, donations and loans.

Section 14-3-14 NMSA 1978: may appoint advisory groups.

Section 14-3-19 NMSA 1978: may purchase for resale storage boxes, film and other supplies, to be sold at cost plus five percent.

Other: The commission has created the New Mexico Historical Records Advisory Board to promote the National Historical Publications and Records Commission program throughout the state.

Duplication, Similarity or Connection with Other Agencies: There is a natural connection with the State Library.

Category: General Government

Public Regulation Commission

Statutory Reference: Article 11, Section 1 of the Constitution of New Mexico; Section 62-19-3 (Public Regulation Commission Act).

Organizational Status: Constitutional agency.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes

Sunset? No

Funding: General appropriation act.

Membership: Three members appointed by the governor from a list submitted by the Public Regulation Commission Nominating Committee with the advice and consent of the senate, with no more than two members being from the same political party. Members serve staggered six-year terms; provided that after serving two consecutive six-year terms, they are ineligible to hold office until one full term has intervened. The commission elects the chair annually.

Members may be removed by impeachment for accepting anything of value from a person or entity whose charges for services to the public are regulated by the commission, malfeasance, misfeasance or neglect of duty.

Commissioners shall have a baccalaureate degree from an institution of higher education that has been accredited by a regional or national accrediting body and at least 10 years of professional experience in an area regulated by the commission or in the energy sector and involving a scope of work that includes accounting, public or business administration, economics, finance, statistics, engineering or law; or higher education resulting in at least a professional license or a post-graduate degree from an institution of higher education that has been accredited by a regional or national accrediting body in a field related to an area regulated by the commission, including accounting, public or business administration, economics, finance, statistics, engineering or law, and at least 10 years of professional experience within the person's field.

A commissioner shall not have a financial interest in a public utility in this state or elsewhere and shall not have been employed by a commission-regulated entity at any time during the two years prior to appointment to the commission.

Commissioners shall give their entire time to the business of the commission and shall not pursue any other business or vocation or hold any other office for profit.

Powers and Duties: Article 11, Section 2: regulates public utilities as provided by law.

Section 62-19-9 NMSA 1978: administers and enforces the laws with which it is charged; may appoint and employ professional, technical and clerical staff; may delegate authority to subordinates; may retain competent attorneys to handle legal matters and represent the commission; may organize its organizational units; may issue orders; may conduct research and investigations; may accept grants and donations; may enter into contracts; may adopt rules; and provides a toll-free telephone number.

Section 62-19-10 NMSA 1978: administers and regulates propane service.

Laws administered by the commission: Public Utility Act; New Mexico Telecommunications Act and other communications laws; Pipeline Safety Act; and Renewable Energy Act.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: General Government

Public Regulation Commission Nominating Committee

Statutory Reference: Section 62-19-4 NMSA 1978 (Public Regulation Commission Act).

Organizational Status: Unspecified

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: No direct appropriation; members serve without compensation, but are reimbursed for expenses incurred in accordance with the Per Diem and Mileage Act.

Membership: Seven members who are knowledgeable about public utility regulation, not employed by or on behalf of or have a contract with a public utility that is regulated by the Public Regulation Commission, not applicants or nominees for a position on the commission and appointed as follows: four members appointed one each by the speaker of the house of representatives, the minority floor leader of the house of representatives, the president pro tempore of the senate and the minority floor leader of the senate, with no more than two members being from the same political party; two members appointed one each by the secretary of energy, minerals and natural resources and the secretary of economic development; and one member who is a member of an Indian nation, tribe or pueblo appointed by the governor. Members serve four-year terms and must be New Mexico residents.

The committee shall meet as often as necessary in order to submit a list to the governor of no fewer than five qualified nominees for appointment to the commission for the terms beginning January 1, 2023. The list shall be developed to provide geographical diversity, and nominees on the list shall be from at least three different counties of the state.

Powers and Duties: Section 62-19-4 NMSA 1978: meets at least 90 days prior to the date on which the term of a commissioner ends and as often as necessary thereafter in order to submit a list to the governor, at least 30 days prior to the beginning of the new term, of no fewer than two qualified nominees from diverse geographical areas of the state for appointment to the Public Regulation Commission for each commissioner position term that is ending; upon the occurrence of a vacancy in a commissioner position, the committee shall meet within 30 days of the date of the beginning of the vacancy and as often as necessary thereafter in order to submit a list to the governor, within 60 days of the first meeting after the vacancy occurs, of no fewer than two qualified nominees from diverse geographical areas of the state for appointment to the commission to fill the remainder of the term of each commissioner position that is vacant;

actively solicits, accepts and evaluates applications from qualified individuals for a position on the commission and may require an applicant to submit any information it deems relevant to the consideration of the individual's application; and selects nominees for submission to the governor who, in the committee's judgment, are best qualified to serve as a member of the commission.

Duplication, Similarity or Connection with Other Agencies: Public Regulation Commission.

Category: General Government

Retiree Health Care Authority, Board of the

Statutory Reference: Section 10-7C-6 NMSA 1978 (Retiree Health Care Act).

Organizational Status: Adjunct

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: General appropriation act; other state funds = Retiree Health Care Fund; statutory per diem and mileage for board and advisory committee members.

Membership: No more than 13 members as follows: one member not employed by or contracting with a retiree health care employer appointed by the governor to serve at the governor's pleasure; the educational retirement director or designee; one member selected by the New Mexico Coalition of School Administrators; one teacher selected by a committee composed of one person from the New Mexico Association of Classroom Teachers, one person from the National Education Association and one person from the American Federation of Teachers New Mexico; one member who is an eligible retiree selected by the Association of Educational Retirees; the executive secretary of the Public Employees Retirement Association or designee; one eligible retiree selected by retired public employees; one member who is an elected official of a municipality; the state treasurer or designee; one classified state employee selected by the Personnel Board; and director of the State Benefits Division of the Health Care Authority. The Board of the Retiree Health Care Authority shall include, if they qualify, one member who is an eligible retiree of a participating institution of higher education selected by the Association of Educational Retirees and one member who is an elected official or employee of a participating county selected by the New Mexico Association of Counties. Members serve at the pleasure of their appointing authorities. The board elects the president, vice president and secretary and may appoint other officers and advisory committees as it deems necessary.

Powers and Duties: Operates the Retiree Health Care Authority.

Duplication, Similarity or Connection with Other Agencies: Duplicates functions of the Risk Management Division of the General Services Department.

Category: General Government

Risk Management Advisory Board

Statutory Reference: Section 15-7-4 NMSA 1978.

Organizational Status: Advisory to Risk Management Division of General Services Department.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Indirect through Risk Management Division; statutory per diem and mileage for nongovernmental members.

Membership: Nine members as follows: the attorney general or designee; the superintendent of insurance; the secretary of finance and administration or designee; the chief financial officer of a public school district appointed by the governor; an attorney named by the state bar association president; the director of the Legislative Council Service or designee; the chief financial officer of an institution of higher education appointed by the governor; an insurance agent licensed to write property, casualty and life insurance appointed by the governor; and the chief financial officer of a local public body or the chief administrator of an entity of a local public body, other than a school district, appointed by the governor. The board elects the chair and vice chair.

Powers and Duties: Section 15-7-5 NMSA 1978: reviews: specifications for insurance policies purchased by the division; all professional service and consulting contracts; companies and agents to be selected to submit proposals; rules to be promulgated by the division; form, purpose and content of certificates of coverage to be issued by the division; and investments to be made by the division.

Duplication, Similarity or Connection with Other Agencies: Similarity with other insurance provider boards, e.g., the Retiree Health Care Authority and the Public School Insurance Authority.

Category: General Government

Voting System Certification Committee

Statutory Reference: Section 1-9-7.5 NMSA 1978.

Organizational Status: Unspecified

Policy or Advisory? Unspecified, but committee has veto power over secretary of state's certification of voting systems.

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Unspecified; statutory per diem and mileage.

Membership: The secretary of information technology or designee from within the Department of Information Technology and four additional members as follows: one member appointed by the president pro tempore of the senate; one member appointed by the minority leader of the senate; one member appointed by the speaker of the house of representatives; and one member appointed by the minority leader of the house of representatives. The four additional members appointed shall be county clerks or their chief deputies or other persons knowledgeable of elections in this state. Members shall be appointed no later than May 1 of each even-numbered year for terms of two years. Vacancies are filled by the original appointing authority. The members select the chair. A person who is currently or has been within the previous 12 months an employee or contractor of a voting machine vendor or the Office of the Secretary of State shall not serve. All meetings are open meetings held in accordance with the Open Meetings Act. All reports and other records that are used, created, received, maintained or held by or on behalf of the Voting System Certification Committee shall be open to public inspection pursuant to the Inspection of Public Records Act.

Powers and Duties: Section 1-9-7.5 NMSA 1978: the committee shall review written test reports and the findings of the secretary of state on the certification, recertification and decertification of voting systems for use in elections in the state.

Section 1-9-14 NMSA 1978: the secretary of state submits filed reports and any public comments for consideration by the committee. The committee makes recommendations regarding the suitability and reliability of the use of such equipment in the conduct of elections under the Election Code. The committee recommends that a voting system be certified for use in the state only if it complies with all requirements in the Election Code and the most recent voluntary voting system guidelines adopted by the United States Election Assistance Commission. If the committee report finds that the voting system does not comply with all

requirements in the Election Code or does not meet federal election standards, the secretary of state shall allow 30 days for an appeal of the findings to be filed or for the deficiencies to be corrected, following which the secretary of state shall report back to the committee with a written final report. The committee reconvenes to consider the final report of the secretary of state and to make final recommendations regarding the suitability and reliability of the use of such equipment in the conduct of elections under the Election Code. If the committee recommends that the voting system is suitable for use in elections in New Mexico, within 30 days of receiving the recommendation, the secretary of state shall certify or recertify the equipment for use in elections in New Mexico. If the committee does not recommend that the voting system for recording and tabulating votes is suitable for use in elections in New Mexico, within 30 days of receiving the recommendation, the secretary of state shall deny the application or decertify the equipment for use in elections in this state.

Duplication, Similarity or Connection with Other Agencies: secretary of state.

Category: Health and Human Services

Adolescent Treatment Hospital Governing Board

Statutory Reference: Section 23-9-5 NMSA 1978 (Adolescent Treatment Hospital Act).

Organizational Status: Advisory to the secretary of health.

Policy or Advisory? Advisory

Rulemaking Authority? May adopt rules to carry out its duties and administer provisions of the Adolescent Treatment Hospital Act; however, administration and control of the hospital is vested in the secretary of health (Section 23-9-7 NMSA 1978).

Federal Mandate? The Joint Commission requires a governing board; members may be agency personnel.

Senate Confirmation? No

Sunset? No

Funding: No direct appropriation; per diem and mileage not statutory.

Other: The hospital is known as Sequoyah Adolescent Treatment Center.

Membership: Five members appointed by the secretary of health; there are no actual terms and members serve at the secretary's pleasure. Members shall be familiar with the treatment and care of violent adolescents who have mental disorders.

Powers and Duties: Section 23-9-5 NMSA 1978: advises the secretary of health on professional practices, community concerns and policies and procedures related to treatment of adolescents admitted to the hospital.

Duplication, Similarity or Connection with Other Agencies: Personnel of the Department of Health are the governing board.

Category: Health and Human Services

Adult Offender Supervision, State Council for Interstate

Statutory Reference: Section 31-5-20 NMSA 1978 (Article 4 of the Interstate Compact for Adult Offender Supervision).

Organizational Status: Unspecified

Policy or Advisory? Unspecified

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Unspecified; presumably none.

Membership: Council determines the membership of its own state council, but its membership shall include at least one representative from the legislative, judicial and executive branches of government and victims' groups and its compact administrator.

Powers and Duties: Section 31-5-20 NMSA 1978, Article 4 of compact: each compacting state shall create a state council that shall be responsible for the appointment of the commissioner who shall serve from that state on the Interstate Commission for Adult Offender Supervision. Each state council shall appoint as its commissioner the compact administrator from that state to serve on the interstate commission in such capacity under or pursuant to applicable law of the compacting state. Each compacting state retains the right to determine the qualifications of the compact administrator, who shall be appointed by the state council or by the governor in consultation with the legislature and the judiciary. In addition to appointment of its commissioner to the interstate commission, each state council shall exercise oversight and advocacy concerning its participation in interstate commission activities and other duties as may be determined by each compacting state, including the development of policy concerning operations and procedures of the compact within that state.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: Health and Human Services

Adult Support and Services Task Force, Statewide

Statutory Reference: Section 28-16A-13 NMSA 1978 (Developmental Disabilities Act).

Organizational Status: Created by the Department of Health.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: No direct appropriation; per diem and mileage is not statutory.

Membership: Unspecified

Powers and Duties: Unspecified other than to state that it addresses quality assurance.

Duplication, Similarity or Connection with Other Agencies: Developmental Disabilities Council; Department of Health; Aging and Long-Term Services Department.

Category: Health and Human Services

Aging, Advisory Committee to the State Agency on

Statutory Reference: Section 28-4-9 NMSA 1978.

Organizational Status: Advisory to Aging and Long-Term Services Department.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? Yes, Older Americans Act of 1965.

Senate Confirmation? No

Sunset? No

Funding: Indirect through the Aging and Long-Term Services Department; statutory per diem and mileage.

Membership: Eleven members appointed by the governor; appointments shall conform to federal requirements regarding membership; members serve staggered four-year terms.

Powers and Duties: Unspecified; the department reports that the committee ratifies department plans.

Other: Chapter 28, Article 4 NMSA 1978 conflicts with Chapter 9, Article 23 NMSA 1978, which creates the Aging and Long-Term Services Department. The department requested that Chapter 28, Article 4 NMSA 1978 not be repealed, presumably for reasons having to do with federal law.

Duplication, Similarity or Connection with Other Agencies: Aging and Long-Term Services Department.

Category: Health and Human Services

Air Transport Advisory Committee

Statutory Reference: Section 24-10B-7 NMSA 1978 (Emergency Medical Services Act).

Organizational Status: Subcommittee of Statewide Emergency Medical Services Advisory Committee.

Policy or Advisory? Unspecified

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Indirect through the Department of Health; statutory per diem and mileage to the extent that funds are available.

Membership: Unspecified

Powers and Duties: Unspecified

Duplication, Similarity or Connection with Other Agencies: Emergency Medical Services Bureau [Emergency Medical Systems Bureau] of the Department of Health. Emergency medical services are the purview of several committees. This is a subcommittee of an advisory committee.

Category: Health and Human Services

Behavioral Health Executive Committee

Statutory Reference: Section 24A-10-3 NMSA 1978 (Behavioral Health Reform and Investment Act).

Organizational Status: Unspecified

Policy or Advisory? Policy

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Unspecified

Membership: Seven members, including the secretary of health care authority; the director of the Behavioral Health Services Division of the Health Care Authority, who chairs the committee; the director of the Medical Assistance Division of the Health Care Authority; the director of the Administrative Office of the Courts; and three behavioral health experts designated by the director of the Administrative Office of the Courts. The committee convenes at least quarterly. Meetings of the committee shall be subject to the Open Meetings Act; provided that executive sessions are permitted when considering confidential or sensitive information.

Powers and Duties: Section 24A-10-3 NMSA 1978: designates behavioral health regions; reviews and approves regional plans; establishes funding strategies and structure based on approved regional plans; monitors and tracks deliverables and expenditures and addresses deficiencies and implementation issues of regional plans; establishes a project management strategy that shall be led by a project manager at the Health Care Authority; and reports on a quarterly basis to the Legislative Finance Committee on the implementation status of the regional plans.

Section 24A-10-4 NMSA 1978: beginning no later than June 30, 2027 and by every June 30 thereafter, designates a government entity within each behavioral health region to provide a written report to the legislature and the executive and judicial branches of government.

Duplication, Similarity or Connection with Other Agencies: Health Care Authority; and Administrative Office of the Courts.

Category: Health and Human Services

Behavioral Health Planning Council

Statutory Reference: Section 24A-3-2 NMSA 1978.

Organizational Status: Unspecified

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? Acts in accordance with P.L. 102-321 of the federal Public Health Service Act.

Senate Confirmation? No

Sunset? No

Funding: No direct appropriation; per diem and mileage not statutory.

Membership: An unspecified number of members appointed by and serving at the pleasure of the governor, including consumers of behavioral health services and consumers of substance abuse services as follows: adults with serious mental illness, seniors, family members of adults with serious mental illness and of children with serious emotional or neurobiological disorders and persons with co-occurring disorders; Native American representatives from a pueblo, an Apache tribe, the Navajo Nation and an urban Native American population; providers; state agency representation from agencies responsible for adult mental health and substance abuse, children's mental health and substance abuse, education, vocational rehabilitation, criminal justice, juvenile justice, housing, Medicaid and social services, health policy planning, developmental disabilities planning and disabilities issues and advocacy; advocates; and such other members as the governor may appoint to ensure appropriate cultural and geographic representation. Providers and state agency representatives together shall not constitute more than 49% of the council membership. The chair is selected by the council membership.

Powers and Duties: Section 24A-3-2 NMSA 1978: advocates for persons with mental illness or severe emotional neurobiological and behavioral disorders, including substance abuse and co-occurring disorders; reports annually to the governor and the legislature on the adequacy and allocation of mental health services in the state; encourages and supports the development of a comprehensive, integrated, community-based behavioral health system of care; advises state agencies responsible for behavioral health services; meets regularly; establishes subcommittees; and reviews and makes recommendations for the comprehensive mental health state block grant and the substance abuse block grant applications, the state plan for Medicaid services and other plans or applications for federal or foundation funding.

Other: Subcommittees include a Medicaid subcommittee, chaired by the secretary of health care authority or designee, which may also serve as a subcommittee of the Medicaid Advisory

Committee; child and adolescent subcommittee, chaired by the secretary of children, youth and families or designee; adult subcommittee, chaired by the secretary of health care authority or designee; substance abuse subcommittee, chaired by the secretary of health or designee, which shall include DWI issues and representation from local DWI councils; and Native American subcommittee, chaired by the secretary of Indian affairs or designee. Subcommittees may include nonvoting members appointed by the chair for purposes of providing expertise necessary to the charge of the subcommittee.

Duplication, Similarity or Connection with Other Agencies: Several state agencies provide or fund mental health, alcohol or substance abuse and other behavioral health services.

Category: Health and Human Services

Blind, Commission for the

Statutory Reference: Section 28-7-16 NMSA 1978 (Commission for the Blind Act).

Organizational Status: Adjunct

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No; authorized to receive and administer any federal funds relating to vocational rehabilitation of blind persons. Commission is required to create a state rehabilitation council for the blind pursuant to the federal Rehabilitation Act of 1973 to receive financial assistance.

Senate Confirmation? Yes

Sunset? No

Funding: General appropriation act; statutory per diem and mileage.

Membership: Three members, at least one of whom is blind, appointed by the governor with the advice and consent of the senate. Members serve staggered six-year terms.

Powers and Duties: Section 28-7-17 NMSA 1978: applies for and receives money; maintains a complete register of blind persons in the state, specifying the nature and cause of blindness, capacity and need for educational or industrial training and other pertinent information; maintains bureaus of information and industrial assistance to help blind people find employment, trains them in work that can be pursued in their own homes and assists in merchandising and marketing their goods; establishes, equips and maintains a center with qualified instructions for vocational, industrial and other training of eligible blind people; researches and studies the causes of blindness and its prevention; cooperates with the appropriate state agencies in the adoption and carrying out of preventive measures relating to blindness; promulgates rules; and publishes an annual report.

Section 28-7-18 NMSA 1978: appoints the director who employs other staff.

Section 28-7-19 NMSA 1978: determines the procedure for examinations to establish blindness and maintains a list of ophthalmologists.

Section 28-7-20 NMSA 1978: may arrange and pay for examinations to determine blindness; and may arrange and pay for medical and surgical treatment of blind people.

Section 28-7-23 NMSA 1978: holds hearings for persons applying for or receiving services and adopts rules to govern conduct of hearings.

Section 22-14-28 NMSA 1978: prescribes rules and administers the vending stand program.

Other: To receive federal assistance under the federal Rehabilitation Act of 1973, Section 105 (a)(2), the commission is required to create a state rehabilitation council for the blind. Federal law governs membership.

Duplication, Similarity or Connection with Other Agencies: There may be some overlap with the Vocational Rehabilitation Division of the Public Education Department and the New Mexico School for the Blind and Visually Impaired.

Category: Health and Human Services

Brain Injury Advisory Council

Statutory Reference: Section 24-20-3 NMSA 1978.

Organizational Status: Staff and administrative support by the Governor's Commission on Disability or other agency as assigned by the governor. Currently, administrative support is provided by the Governor's Commission on Disability.

Policy or Advisory? Advisory to the Governor's Commission on Disability, governor, legislature and state agencies.

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Indirect through the Governor's Commission on Disability; statutory per diem and mileage.

Membership: Between 18 and 24 members appointed by the governor, including survivors of brain injuries, family members of persons with brain injuries, health care professionals and representatives of other private organizations and state agencies that provide services and support to persons with brain injuries. Members serve staggered three-year terms.

Powers and Duties: Section 24-20-3 NMSA 1978: studies and makes recommendations to the Governor's Commission on Disability and others concerning case management, community support systems, long-term care, employment, emergency medical services, rehabilitation and prevention and improvement and coordination of state activities relative to concerns of persons with brain injuries and their families or other caregivers; and advises appropriate state agencies and private organizations on the development of services and supports that meet the needs of persons with brain injuries.

Section 22-13-31 NMSA 1978: in consultation with the New Mexico Activities Association and school districts, promulgates rules to establish protocols and content consistent with current medical knowledge for training student athletes and coaches to: (1) understand the nature and risk of brain injury associated with athletic activity; (2) recognize the signs, symptoms or behaviors consistent with brain injury in student athletes; (3) understand the need to alert appropriate medical professionals for urgent diagnosis of a brain injury; and (4) understand the need to follow proper medical protocols for a brain injury; and to establish the nature and content of and a means of disseminating training and information forms and educational material on brain injury.

Section 22-13-31.1 NMSA 1978: in consultation with the Department of Health, promulgates rules to establish protocols and content consistent with current medical knowledge for training student athletes and coaches to: (1) understand the nature and risk of brain injury associated with athletic activity; (2) recognize the signs, symptoms or behaviors consistent with brain injury in student athletes; (3) understand the need to alert appropriate medical professionals for urgent diagnosis of a brain injury; and (4) understand the need to follow proper medical protocols for a brain injury; and to establish the nature and content of and a means of disseminating training and information forms and educational material on brain injury.

Duplication, Similarity or Connection with Other Agencies: Similarity with missions of the Developmental Disabilities Council, Governor's Commission on Disability, Department of Health, Vocational Rehabilitation Division of the Public Education Department and, possibly, New Mexico Health Policy Commission.

Category: Health and Human Services

Child Support Guidelines Review Commission

Statutory Reference: Section 40-4-11.3 NMSA 1978.

Organizational Status: Administratively attached to the Human Services Department [Health Care Authority].

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: No direct appropriation; statutory per diem and mileage.

Membership: Seven members appointed by the secretary of human services [health care authority]. The commission is organized once every four years for a term not to exceed 30 days.

Powers and Duties: Section 40-4-11.3 NMSA 1978: within four years of July 1, 2021 and every four years thereafter, reviews the child support guidelines set forth in Section 40-4-11.1 NMSA 1978 to ensure that the application of the guidelines results in the determination of appropriate child support order amounts; and provides a report of its findings to the secretary of human services [health care authority]. The Human Services Department [Health Care Authority] publishes online and makes accessible to the public the findings of the Child Support Guidelines Review Commission, the membership of the commission and the date of the next quadrennial review.

Duplication, Similarity or Connection with Other Agencies: Human Services Department [Health Care Authority].

Category: Health and Human Services

Children, Youth and Families Advisory Committee

Statutory Reference: Section 9-2A-12 NMSA 1978 (Children, Youth and Families Department Act).

Organizational Status: Advisory to the Children, Youth and Families Department.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: No direct appropriation; statutory per diem and mileage.

Membership: Eleven members appointed by the governor who have demonstrated interest and involvement in children, youth and family services, particularly those services and programs administered or funded by the department. Members shall provide adequate representation of ethnic groups and geographic areas of the state. At least two members shall be parents who are recipients of department services, and at least two members shall be youths between 16 and 21 years of age. At least one member shall serve on the Youth Alliance.

Powers and Duties: Section 9-2A-12 NMSA 1978: assists in the development of policies and procedures for the department.

Duplication, Similarity or Connection with Other Agencies: The department has several advisory committees, e.g., the Children's Cabinet, Children's Trust Fund Board of Trustees, Juvenile Justice Advisory Committee (required by federal law) and Juvenile Community Corrections state selection panel.

Category: Health and Human Services

Children's Cabinet

Statutory Reference: Section 32A-22-2 NMSA 1978 (Children's Cabinet Act).

Organizational Status: Administratively attached to the Office of the Governor.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: No

Membership: Thirteen members, including the governor; the lieutenant governor; and the secretaries of children, youth and families, corrections, human services [health care authority], workforce solutions, health, finance and administration, economic development, public safety, aging and long-term services, Indian affairs and public education. The cabinet meets at least six times a year. Each year the cabinet selects either the governor or lieutenant governor as chair.

Powers and Duties: Section 32A-22-3 NMSA 1978: studies and makes recommendations for the design of a coordinated system to maximize outcomes among children and youth under 21 years old, particularly those in disadvantaged situations, in the following areas: physical and mental health fitness, family and community safety and support, preparedness for and success in school, successful transition to meaningful and purposeful adulthood and employment and valued contributions to and active participation in communities.

Departments that are part of the Children's Cabinet may enter into joint powers agreements pursuant to the Children's Cabinet Act.

At least twice a year, the cabinet meets with parents; children; youth; educators; public officials; and representatives of faith-based organizations, community-based organizations, philanthropic organizations, public schools and public school districts, colleges and universities, health care providers, nonprofit organizations, youth service providers, political subdivisions, the interim Legislative Health and Human Services Committee and the Legislative Education Study Committee.

By September 1 of each year, the cabinet reports and makes recommendations to the governor and the legislature, including a child and youth report card and a child and youth policy and inventory budget identifying state programs and initiatives, including proposed budget allocations.

Duplication, Similarity or Connection with Other Agencies: governor's cabinet.

Category: Health and Human Services

Children's Trust Fund Board of Trustees

Statutory Reference: Section 24-19-5 NMSA 1978 (Children's Trust Fund Act).

Organizational Status: Unspecified

Policy or Advisory? Unspecified; appears to have more than simply an advisory role.

Rulemaking Authority? No; Children, Youth and Families Department promulgates rules approved by board.

Federal Mandate? No; but federal law provided incentives for the creation of children's trust funds.

Senate Confirmation? Yes

Sunset? No

Funding: No direct appropriation; statutory per diem and mileage.

Membership: Thirteen members, not state employees, knowledgeable in the area of children's programs, appointed by the governor with the advice and consent of the senate; at least two members shall be individuals of recognized standing in the field of children's services. Staggered terms are four years.

Other: Section 24-19-8 NMSA 1978: provides that the Children, Youth and Families Department provide necessary technical and clerical assistance.

Powers and Duties: Section 24-19-7 NMSA 1978: meets at least four times a year to review proposals submitted to the Children, Youth and Families Department and takes all action necessary or proper for administration of the Children's Trust Fund Act; and approves or disapproves each proposal submitted and bases its decision on merit and feasibility, the best interest of proposal beneficiaries and the capacity of the project's success for evaluation.

Duplication, Similarity or Connection with Other Agencies: Children, Youth and Families Department.

Category: Health and Human Services

Colonias Infrastructure Board

Statutory Reference: Section 6-30-4 NMSA 1978 (Colonias Infrastructure Act).

Organizational Status: Unspecified, but the New Mexico Finance Authority staffs and administers the Colonias Infrastructure Project Fund.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes, for members appointed by either the house or senate.

Sunset? No

Funding: Unspecified; statutory per diem and mileage for those appointed by house or senate; no compensation for others.

Membership: Seven voting members: the secretary of finance and administration or designee; secretary of environment or designee; chief executive officer of the New Mexico Finance Authority or designee; one member appointed by the president pro tempore of the senate; one member appointed by the minority leader of the senate; one member appointed by the speaker of the house; and one member appointed by the minority leader of the house. Those appointed by the house or senate serve at the pleasure of the appointing authority, shall be residents of the colonias areas and have experience in capital project development or administration. Five advisory, nonvoting members: the executive director of the South Central Council of Governments or designee; the executive director of the Southwest New Mexico Council of Governments or designee; the executive director of the Southeastern New Mexico Economic Development District or designee; the executive director of the New Mexico Association of Counties or designee; and the executive director of the New Mexico Mortgage Finance Authority or designee.

Powers and Duties: Section 6-30-5 NMSA 1978: reviews applications for financial assistance; prioritizes qualified projects for financial assistance; and recommends qualified projects to the New Mexico Finance Authority for financial assistance.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: Health and Human Services

Compulsive Gambling Council

Statutory Reference: Section 9-7-11.4 NMSA 1978 (Department of Health Act).

Organizational Status: Administratively attached to the Department of Health.

Policy or Advisory? Unspecified, though it is required to develop and implement a strategic plan.

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: No; members serve voluntarily.

Membership: Fifteen members appointed by and serving at the pleasure of the governor. Members are: the secretary of health or designee, who serves as the chair; a member of the governor's staff; a member of the Gaming Control Board; a member of the New Mexico Lottery Authority board; a member of a fraternal organization that sponsors gambling; two persons with expertise in the field of compulsive gambling; two Indians from a tribe or pueblo with gaming operations; two representatives of non-Indian gaming; two representatives from the behavioral health profession; and two representatives of the general public. The council meets regularly at the call of the chair.

Powers and Duties: Section 9-7-11.4 NMSA 1978: develops and implements a strategic prevention and treatment plan for compulsive gambling; recommends compulsive gambling prevention and treatment standards to the department; collaborates with appropriate state agencies to link compulsive gambling data collection and referral information to crisis response hotlines or youth and domestic violence initiatives; collaborates with the department to improve data collection regarding gambling-related suicide, bankruptcies and domestic violence; collaborates with the Department of Health and the Aging and Long-Term Services Department to educate seniors about recognition and treatment of compulsive gambling problems; and develops and recommends a voluntary self-exclusion program to the governor. Beginning in 2008, the council shall submit an annual report to the governor and the appropriate legislative interim committee.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: Health and Human Services

Deaf and Hard-of-Hearing Persons, Commission for

Statutory Reference: Section 28-11B-1 NMSA 1978.

Organizational Status: Adjunct

Policy or Advisory? Policy

Rulemaking Authority? Unspecified

Federal Mandate? No

Senate Confirmation? Yes

Sunset? No

Funding: General appropriation act; statutory per diem and mileage.

Membership: Seven members, a majority of whom shall be deaf or hard of hearing, appointed by the governor without regard for party affiliation, with the advice and consent of the senate. Staggered terms are six years. Appointments include the president of the New Mexico Association of the Deaf; the superintendent of the New Mexico School for the Deaf; a parent of a deaf or hard-of-hearing child; the director of the Vocational Rehabilitation Division of the Public Education Department; a professional person who is deaf or hard of hearing; and one deaf or hard-of-hearing person who resides in southern New Mexico and one deaf or hard-of-hearing person who resides in northern New Mexico.

Powers and Duties: Section 28-11B-2 NMSA 1978: supervises activities of the staff; identifies needs of the deaf and hard-of-hearing population; provides educational assistance to state agencies and ensures compliance with the federal Americans with Disabilities Act of 1990; coordinates with state agencies providing services for the deaf and hard of hearing; advocates for equal access to services and opportunities for the deaf and hard of hearing; provides continuing education services to the deaf and hard of hearing; assists in establishing a statewide interpreter referral service; reviews and coordinates certification and evaluation processes for interpreters; convenes at least four times a year in varying locations; and submits reports on its work.

Section 28-11B-4 NMSA 1978: may appoint task forces.

Section 63-9F-6 NMSA 1978: invites and administers proposals or bids to design and implement a telecommunications relay system to enable impaired and unimpaired persons to communicate, considering price and community interest in access to high-quality, technologically advanced systems, as well as residency; and performs all actions necessary to carry out the provisions of the Telecommunications Access Act, including making rules as necessary, gaining certification from the Federal Communications Commission, funding and

spending funds from the specialized telecommunications relay system and identifying needs for specialized equipment.

Section 63-9F-8 NMSA 1978: may require an annual audit of each telecommunications company participating in the telecommunications relay system.

Section 63-9F-11 NMSA 1978: reports to the Revenue Stabilization and Tax Policy Committee annually by September 30 with respect to the prior fiscal year the amount and source of revenue received by the Telecommunications Access Fund, the amount and category of expenditures from the fund and the balance of the fund on June 30.

Duplication, Similarity or Connection with Other Agencies: There are several boards, commissions, councils and committees that deal with disabled populations, either as a whole or selectively.

Category: Health and Human Services

Developmental Disabilities Council

Statutory Reference: Section 28-16A-4 NMSA 1978 (Developmental Disabilities Act).

Organizational Status: Adjunct

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? Section 28-16A-4 NMSA 1978 provides that the Developmental Disabilities Council be created in accordance with federal law.

Section 28-16A-7 NMSA 1978: a statewide needs assessment was required by federal law; however, a compiler's note indicates that sections were omitted from the United States Code in the general revision by P.L. 98-527.

Senate Confirmation? No

Sunset? No

Funding: General appropriation act; council members reimbursed as provided in the Per Diem and Mileage Act and the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000.

Membership: No fewer than 26 members, at least 60% of whom are people with developmental disabilities; parents or legal guardians of children with developmental disabilities; or immediate relatives or guardians of adults with mentally impairing developmental disabilities who cannot advocate for themselves. Of the 60% of members described, one-third shall be individuals with developmental disabilities, one-third shall be parents or legal guardians of children with developmental disabilities or immediate relatives or guardians of adults with developmental disabilities and one-third shall be a combination of member. At least one member shall be an immediate relative or guardian of an individual who resides or previously resided in an institution or shall be an individual with a developmental disability who resides or previously resided in an institution. No member of the council shall be an employee, or someone who manages employees, of a state agency that receives funds to provide developmental disabilities supports and services. The membership of the council shall be geographically representative of the state and reflect the diversity of the state with respect to race and ethnicity. The governor shall provide for rotation of the membership of the council. These provisions shall allow members to continue to serve on the council until those members' successors are appointed

Membership also includes the secretary of health care authority or designee; secretary of children, youth and families or designee; secretary of early childhood education and care or designee; secretary of aging and long-term services or designee; secretary of public education or designee; director of the Vocational Rehabilitation Division of the Public Education Department

or designee; director of the state protection and advocacy system; director of an entity within a state institution of higher education designated as a university center for excellence in developmental disabilities education, research and service; and representatives of local and nongovernmental agencies and private nonprofit groups concerned with services for individuals with developmental disabilities in New Mexico. Non-ex-officio members are appointed by the governor for three-year terms.

Other: Federal law requires that for every agency representative on the council, there shall be a citizen representative. The council employs an executive director; the executive director employs other necessary staff.

Powers and Duties: Section 28-16A-5 NMSA 1978: provides statewide advocacy for persons with developmental disabilities; develops and submits to the federal government the five-year plan for council activities and any amendments to the plan; to the maximum extent feasible, reviews and comments on all state plans that relate to programs affecting persons with developmental disabilities; submits to the secretary of the United States Department of Health and Human Services, through the Office of the Governor, periodic reports that the secretary may request; advises the governor and legislature about the needs of the developmentally disabled; holds all council meetings with a video conference option; carries out other activities authorized or required by federal law; oversees the Office of the State Special Education Ombud; awards grants and enters into contracts; seeks funding from sources other than the state; creates and supports regional, county or local advisory councils; and provides training to persons with developmental disabilities, their families and providers of support and services through offering traineeships, sponsoring training opportunities and other means; and promulgates rules in accordance with the State Rules Act to carry out the provisions of the Special Education Ombud Act.

Section 28-16A-7 NMSA 1978: conducts a comprehensive review and analysis of the extent to which services, supports and other assistance are available to individuals with developmental disabilities and their families and the extent of unmet need for services, supports and all other assistance for those individuals and their families in the state. The results of the comprehensive review and analysis shall include the number of individuals with developmental disabilities residing in New Mexico; the range and degree of severity of the disabilities of individuals with developmental disabilities in New Mexico; and such other information and analysis required under federal law. The findings of the comprehensive review and analysis shall be utilized in the development of the council's five-year plan; the council repeats the comprehensive review and analysis at least every five years, with a summary of the findings and distributes the comprehensive review and analysis and the summary of findings to relevant organizations, programs and agencies in the state.

Section 28-16A-8 NMSA 1978: the Department of Health, the Human Services Department [Health Care Authority], the Public Education Department, the Vocational Rehabilitation Division of the Public Education Department, the Children, Youth and Families Department, the New Mexico School for the Deaf and the New Mexico School for the Blind and Visually Impaired shall provide to the council, on an annual basis, information and data with respect to the actual or estimated number of individuals with developmental disabilities served

by the agency, the type of services provided, any major changes in policies adopted in the previous year or anticipated in the coming year that have had or are expected to have a beneficial or deleterious effect on persons with developmental disabilities and any gaps in eligibility or services that pose a barrier to the provision of services needed by persons with developmental disabilities.

Section 28-16A-9 NMSA 1978: provides information and referral services to persons with disabilities and their families and providers.

Section 28-16A-19 NMSA 1978: the Information and Referral Task Force is created to develop a statewide comprehensive "211" information and referral plan. The task force includes representatives from the Department of Health; the Human Services Department [Health Care Authority]; the Children, Youth and Families Department; the Workforce Solutions Department; the Aging and Long-Term Services Department; the internet long-term care link program; the Governor's Commission on Disability; the Commission for the Blind; the Commission for Deaf and Hard-of-Hearing Persons; a statewide organization that raises money for health and human services; and other interested persons.

Section 28-16-15.2 NMSA 1978: cooperates with the Health Care Authority to provide data to support an amendment to the developmental disabilities Medicaid waiver program to increase the number of eligible people served, develop a contingency plan to describe the role and control the growth of intermediate care facilities for the intellectually disabled and develop flexibility in the system of prioritization for admission to allow persons to move within the service system to an appropriate level of service.

Sections 28-18-1 and 28-18-2 NMSA 1978: the Department of Health is the designated state agency to cooperate with the federal government in the administration of the federal Individuals with Disabilities Education Act (early intervention).

Section 28-16B-2 NMSA 1978: the Office of Guardianship is created within the Developmental Disabilities Council; the executive director hires the head of the office.

Section 28-16C-3 NMSA 1978: the Office of the State Special Education Ombud is created within the Developmental Disabilities Council; the council appoints the state special education ombud, who oversees the office.

Duplication, Similarity or Connection with Other Agencies: Parts of the mission are duplicated or similar to the Governor's Commission on Disability; the Vocational Rehabilitation Division of the Public Education Department; the Department of Health; the Health Care Authority; the Children, Youth and Families Department; the New Mexico School for the Blind and Visually Impaired; the Commission for the Blind; the New Mexico School for the Deaf; the Commission for Deaf and Hard-of-Hearing Persons; and the state protection and advocacy system.

Category: Health and Human Services

Disability, Advisory Council on

Statutory Reference: Section 28-10-4 NMSA 1978.

Organizational Status: Advisory to the Governor's Commission on Disability.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Members may receive reimbursement from funds available to the commission.

Membership: Number unspecified; consists of representatives of state agencies and individuals appointed by the commission.

Other: The council is not currently constituted. The commission and staff create advisory councils as needed for special projects.

Powers and Duties: Section 28-10-4 NMSA 1978: meets at the call of the chair and makes recommendations to the Governor's Commission on Disability for the improvement and coordination of state activities relative to the concerns of individuals with disabilities.

Duplication, Similarity or Connection with Other Agencies: Yes, see note under "Governor's Commission on Disability".

Category: Health and Human Services

Disability, Governor's Commission on

Statutory Reference: Section 28-10-1 NMSA 1978.

Organizational Status: Administratively attached to the Department of Finance and Administration.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No. Designated state agency for handling federal programs for the disabled, except as otherwise provided by law. The commission may enter into contracts and agreements with federal agencies that do not conflict with existing programs of other state agencies.

Senate Confirmation? No

Sunset? No

Funding: General appropriation act; statutory per diem and mileage.

Membership: Sixteen members, nine of whom are appointed by the governor; the other six appointees include the director of the Vocational Rehabilitation Division of the Public Education Department; the secretary of workforce solutions or designee; the director of the Behavioral Health Services Division of the Human Services Department [Health Care Authority]; the secretary of children, youth and families or designee; the secretary of early childhood education and care or designee; the secretary of aging and long-term services or designee; and the secretary of human services [health care authority] or designee. Appointed terms are six years; appointed members shall be from different geographic areas and from major organizations providing services to the disabled; and appointed members include disabled persons, representatives of government and private enterprise, parents or guardians and professionals in services for the disabled. Not more than five of the appointed members may be from the same political party. The commission shall meet at least twice a year.

Powers and Duties: Section 28-10-1 NMSA 1978: is primarily concerned with those disabled persons who have a disability or condition that, regardless of physical or mental origin, constitutes a substantial occupational disadvantage.

Section 28-10-2 NMSA 1978: establishes and maintains a comprehensive statewide program designed to encourage and promote attention to the concerns of training and employment of disabled persons; cooperates with the President's Committee on Employment of People with Disabilities and other federal efforts; cooperates with employers and training leaders; encourages and assists in the organization and operation of committees at the community level; assists state, local and federal agencies in coordination of activities; enters into agreements; informs disabled job seekers of specific facilities available to them; conducts

educational programs via publications and other means; promotes the elimination of architectural barriers in public construction; makes rules; designates standing subcommittees related to state planning, community organization, public relations and information, legislative action, federal coordination, state coordination, youth, medical rehabilitation, employers and awards; designates special subcommittees; gives advice and testimony; establishes and administers a residential accessibility modification program to assist low-income disabled persons; and provides training to law enforcement regarding parking for the disabled.

Section 28-10-3 NMSA 1978: may accept gifts, donations or bequests and is the designated agency for handling all federal programs related to individuals with disabilities.

Section 28-10-3.1 NMSA 1978: designs and produces a decal for display in full-service gasoline stations with service for the disabled.

Section 28-10-3.3 NMSA 1978: designs and implements a program to prevent abuse of placards for the disabled.

Section 28-10-4 NMSA 1978: requires appointment of an advisory council on disability to meet at the call of the chair and to make recommendations to the commission.

Section 28-10-6 NMSA 1978: requires the commission and advisory council to make annual reports to the governor and the legislature.

Duplication, Similarity or Connection with Other Agencies: There are several government structures providing duplicative or similar services to the disabled: the Vocational Rehabilitation Division of the Public Education Department; the Developmental Disabilities Council; the Commission for the Blind; the Commission for Deaf and Hard-of-Hearing Persons; the Health Care Authority; the Department of Health; and the Facilities Management Division of the General Services Department (for the commission's barrier-removal and federal Americans with Disabilities Act of 1990 function).

Category: Health and Human Services

Doula Credentialing Advisory Council

Statutory Reference: Section 24-36-5 NMSA 1978 (Doula Credentialing and Access Act).

Organizational Status: Administratively attached to the Department of Health.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Unspecified; appointed members may receive per diem and mileage pursuant to the Per Diem and Mileage Act.

Membership: Consists of 15 members who are residents of the state and who serve at the pleasure of the secretary of health and includes: the secretary of health or the secretary's designee, who serves as chair of the council; the secretary of health care authority or the secretary's designee; the secretary of early childhood education and care or the secretary's designee; and 12 members from diverse linguistic and cultural backgrounds and varied geographic regions, at least eight of whom are doulas. The secretary of health endeavors to appoint members from underserved communities with experience advocating for or providing or receiving services relating to promoting positive pregnancy-related health outcomes. The secretary of health adopts and promulgates rules that establish the council's membership, duties and the conduct of meetings.

Powers and Duties: Section 24-36-5 NMSA 1978: makes recommendations regarding the doula credentialing process to the secretary of health on the following: developing standards and requirements for minimal levels of education, training and experience for credentialing; developing standards and requirements for approval or acceptance of continuing education courses and programs that the secretary may require for the renewal of a credential; reviewing the materials approved for training and education to ensure that they include practices for providing culturally and linguistically appropriate services to address the needs of underserved communities; creating a workforce development plan to support the establishment and growth of the credentialed doula workforce, with a focus on practices that promote diversity and equitable access to the credentialing process; and developing methods for collecting information regarding the provision of services by credentialed doulas and the pregnancy- and postpartum-related outcomes of eligible persons.

Duplication, Similarity or Connection with Other Agencies: Department of Health.

Category: Health and Human Services

DWI Grant Council

Statutory Reference: Section 11-6A-4 NMSA 1978 (Local DWI Grant Program Act).

Organizational Status: Unspecified; Local Government Division of the Department of Finance and Administration serves as staff.

Policy or Advisory? Policy

Rulemaking Authority? No; rulemaking authority resides with the Local Government Division "with the advice and approval of the council".

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Indirect through the Local Government Division; statutory per diem and mileage.

Membership: Seven members as follows: president of the New Mexico Municipal League or designee; president of the New Mexico Association of Counties or designee; secretary of health or designee; secretary of finance and administration or designee; chief of the Traffic Safety Bureau of the Department of Transportation; and two representatives of local governments appointed by the governor to two-year terms to provide geographic diversity. The council meets as necessary.

Powers and Duties: Section 11-6A-3 NMSA 1978: awards grants pursuant to the advice and recommendations of the Local Government Division.

Duplication, Similarity or Connection with Other Agencies: Local Government Division; New Mexico Community Development Council; Department of Health.

Category: Health and Human Services

Emergency Medical Services Advisory Committee, Statewide

Statutory Reference: Section 24-10B-7 NMSA 1978 (Emergency Medical Services Act).

Organizational Status: Advisory to the Emergency Medical Services Bureau of the Department of Health.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Indirect through the Department of Health; statutory per diem and mileage to the extent that funds are available.

Membership: Number unspecified, but the secretary of health appoints representatives from the state medical society; the New Mexico Emergency Medical Technician Association; the New Mexico State Fire Fighters' Association; the state ambulance association; the New Mexico Nurses Association; the Association of Public Safety Communications Organization/National Emergency Number Association; the lead state agency for public safety and emergency preparedness; the State Emergency Services Council; the New Mexico Health and Hospital Systems Association [New Mexico Hospitals and Health Systems Association]; the University of New Mexico Health Sciences Center; the New Mexico Fire Chiefs' Association; a consumer; emergency medical services regional offices; and other interested provider and consumer groups.

Powers and Duties: Section 24-10B-7 NMSA 1978: advises the bureau in carrying out the provisions of the Emergency Medical Services Act; and establishes appropriate subcommittees, including the Trauma Advisory Committee and the Air Transport Advisory Committee.

Section 24-10A-5 NMSA 1978: hears appeals from municipalities or counties that have been denied funding through local emergency medical services funding programs and makes recommendations to the secretary of health.

Duplication, Similarity or Connection with Other Agencies: The Emergency Medical Services Bureau has several organizations that oversee various aspects of the field; this appears to be a significant committee.

Category: Health and Human Services

Emergency Medical Services Licensing Commission

Statutory Reference: Section 24-10B-5.1 NMSA 1978 (Emergency Medical Services Act).

Organizational Status: Unspecified; staff provided by the Injury Prevention and Emergency Medical Services Bureau [Emergency Medical Services Bureau] of the Department of Health.

Policy or Advisory? Unspecified; the Department of Health reports that the commission is for policy and oversight.

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Indirect through the Department of Health; statutory per diem and mileage.

Membership: One lay person; three emergency medical technicians, one from each level of licensure; and three physicians, at least two of whom have expertise in emergency medicine and who are appointed by the secretary of health from a list proposed by the New Mexico chapter of the American College of Emergency Physicians. The commission reflects geographic diversity and both public and private interests. Members serve staggered three-year terms. The commission meets as needed, but not less than semiannually.

Other: The commission has subpoena power.

Powers and Duties: Section 24-10B-5.1 NMSA 1978: duties and procedures are delineated in rules promulgated by the Department of Health, including: providing a forum for the receipt of public comment regarding emergency medical services licensing matters; oversight of the bureau's licensure functions; receiving complaints, directing investigations and authorizing initiation of actions by the bureau regarding the contemplated refusal to grant initial licensure and for disciplinary actions against licensees; and the granting of waivers of rules pertaining to license renewal.

Duplication, Similarity or Connection with Other Agencies: The Emergency Medical Services Bureau has several organizations that oversee various aspects of the field.

Category: Health and Human Services

Family Infant Toddler Interagency Coordinating Council

Statutory Reference: Section 28-16A-13 NMSA 1978 (Developmental Disabilities Act).

Organizational Status: Created by the Department of Health.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: No direct appropriation; presumably not needed since it is an interagency council.

Membership: Unspecified

Powers and Duties: Unspecified other than to state that it shall address quality assurance.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: Health and Human Services

Family Representation and Advocacy Commission

Statutory Reference: Section 32A-27-6 NMSA 1978 (Family Representation and Advocacy Act).

Organizational Status: Oversight body for the Office of Family Representation and Advocacy.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Indirect through the Office of Family Representation and Advocacy. Statutory per diem and mileage.

Membership: Thirteen members, including the director of the University of New Mexico School of Law's Corinne Wolfe Center for Child and Family Justice or designee; the director of the Administrative Office of the Courts' court improvement project or designee; the dean of the New Mexico State University School of Social Work or the dean of New Mexico Highlands University School of Social Work, or designee, in alternating terms; three members appointed by the governor who demonstrate a commitment to high-quality legal representation or to working with and advocating for the population served by the office; five members appointed by the chief justice of the supreme court, including: two members who either served as former children's court judges or attorneys in the child welfare system and three members, including: a youth with lived experience in the legal custody of the Children, Youth and Families Department, a parent with lived experience having one or more children in the legal custody of the Children, Youth and Families Department and a member with lived experience with the Children, Youth and Families Department or another child welfare agency as a youth, a parent or both; one member appointed by the speaker of the house of representatives; and one member appointed by the president pro tempore of the senate. Members serve four-year terms. Appointed members shall not serve more than two consecutive terms. Members may be removed by the commission for malfeasance, misfeasance or neglect of duty. The commission meets four times per year as determined by a majority of commission members. Meetings are held at the call of the chair or at the request of four commission members. The commission appoints a director.

Powers and Duties: Section 32A-27-9 NMSA 1978: exercises independent oversight of the Office of Family Representation and Advocacy to review and support standards and provide guidance and support to the director; reviews and approves policies for the operation of the Office of Family Representation and Advocacy and provides services to eligible adults under the Fostering Connections Act and to children and parents, custodians and guardians whose children

are, or are at risk for being placed, in the legal custody of the Children, Youth and Families Department.

Duplication, Similarity or Connection with Other Agencies: Children, Youth and Families Department.

Category: Health and Human Services

Food Service Sanitation Advisory Council

Statutory Reference: Section 25-1-6 NMSA 1978 (Food Service Sanitation Act).

Organizational Status: Existence is at the discretion of the secretary of environment.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: No

Membership: Number unspecified; consists of food service technicians.

Other: The council has not been in existence since the late 1980s.

Powers and Duties: Section 25-1-6 NMSA 1978: assists in carrying out objectives of the Food Service Sanitation Act.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: Health and Human Services

Fostering Connections Advisory Committee

Statutory Reference: Section 32A-26-10 NMSA 1978 (Fostering Connections Act).

Organizational Status: Unspecified

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: No direct appropriation; statutory per diem and mileage; members receive no other compensation.

Membership: Seven voting members, including: the secretary of children, youth and families, ex officio, or the secretary's designee; three members who are appointed by the secretary as follows: two youth or young adults who are currently or were previously placed in foster care and one representative of a child advocacy group; and three members who are appointed by the secretary as follows: one representative of a child welfare advocacy organization, one representative of the Children, Youth and Families Department and one representative of an agency providing independent living services. The committee also has three nonvoting members, including: a legislator, appointed by the New Mexico Legislative Council; a children's court judge, appointed by the Administrative Office of the Courts; and a subject-matter expert, appointed by the secretary. Members serve staggered two-year terms.

Powers and Duties: Section 32A-26-10 NMSA 1978: meets on a biannual basis to advise the Children, Youth and Families Department and the legislature regarding ongoing implementation of the Fostering Connections Program; by September 1, 2020 and each September 1 thereafter, provides a written report to the governor, the legislature and the secretary regarding ongoing implementation of the program, including the number of participants and the number of early discharges; and by October 1, 2020 and each October 1 thereafter, develops specific recommendations for improving the Fostering Connections Program and outcomes for the eligible adults it serves and expanding the program or improving outcomes for similar groups of at-risk young adults.

Duplication, Similarity or Connection with Other Agencies: Children, Youth and Families Department.

Category: Health and Human Services

Health Care Providers Licensing and Credentialing Task Force

Statutory Reference: Section 9-7-11.3 NMSA 1978 (Department of Health Act).

Organizational Status: Created under the New Mexico Health Policy Commission.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: No

Membership: Unspecified number, but includes participation by the New Mexico Health Policy Commission; Department of Health; New Mexico Medical Board; Board of Nursing; other health care provider boards; Regulation and Licensing Department; Office of Superintendent of Insurance; Human Services Department [Health Care Authority]; Office of the Attorney General; other affected state agencies; members of the health care industry, including statewide associations and societies representing providers, hospitals and other affected facilities; insurers and other third-party payers; health care advocates; and members of the public.

Powers and Duties: Section 9-7-11.3 NMSA 1978: studies and makes recommendations for the consolidation and simplification of the health care licensure processes; makes recommendations for the establishment of a website portal for licensure to facilitate and complement or replace the current systems conducted by individual health care provider boards and for a central database for credentialing information to simplify and eliminate duplication of effort; studies and makes recommendations to the superintendent of insurance on health care provider credentialing issues and obstacles; and studies and recommends, if practicable, the use of credentialing expertise developed by a statewide association of hospitals.

Duplication, Similarity or Connection with Other Agencies: New Mexico Health Policy Commission; licensing boards.

Category: Health and Human Services

Health Policy Commission, New Mexico

Statutory Reference: Section 9-7-11.2 NMSA 1978 (Department of Health Act).

Organizational Status: Administratively attached to the Department of Finance and Administration.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes

Sunset? No

Funding: General appropriation act; statutory per diem and mileage for commission members included in operating budget.

Membership: Nine members appointed by the governor with the advice and consent of the senate to reflect ethnic, economic, geographic and professional diversity. A majority of members shall not have pecuniary or fiduciary interest in the health services industry for three years preceding their appointment. Terms are staggered and for three years. The commission meets at the call of the chair at least quarterly. The commission may establish task forces.

Other: A task force may include members who have expertise or a pecuniary or fiduciary interest in the health services industry. Certain voting members of a task force may receive mileage.

Powers and Duties: Section 9-7-11.2 NMSA 1978: establishes task forces as needed; develops a plan for and monitors implementation of the state's health policy; obtains and evaluates information pertaining to health policy, availability and accessibility of services and health personnel; performs needs assessments; prepares, publishes and distributes an annual report; establishes a process to make priority recommendations on program development, resources allocation and proposed legislation; provides information and analysis on health issues; serves as a catalyst and synthesizer of health policy; responds to requests by the executive and the legislature; and ensures that any behavioral health projects are conducted in compliance with Section 9-7-6.4 NMSA 1978.

Section 24-14-27 NMSA 1978: may only release record level data obtained from vital records in the aggregate; and may authorize the disclosure of data contained in vital records for other research purposes.

Duplication, Similarity or Connection with Other Agencies: The New Mexico Health Policy Commission has taken over many of the functions of the Department of Health's former Health

Planning Division, but the department is still involved with planning; other health-related agencies also have planning functions.

Category: Health and Human Services

HIV and AIDS Policy Commission, Governor's

Statutory Reference: Section 24-1-29 NMSA 1978 (Public Health Act).

Organizational Status: Administratively attached to the Department of Health, which is required to provide administrative services.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No; but the state has a federal Ryan White grant that requires a formal HIV services planning and advisory committee to the Department of Health. The commission would fulfill this requirement.

Senate Confirmation? No

Sunset? No

Funding: Indirect through the Department of Health budget; statutory per diem and mileage.

Membership: Twenty-three members, including the secretaries of health, human services [health care authority] and public education or their designees; the Corrections Department chief medical officer or designee; the chair of the Department of Health Medical Advisory Committee; the executive director of the New Mexico Medical Insurance Pool or designee; and the following persons appointed by the governor: a representative of each of the six health management alliance organizations, six consumers reflecting the diversity of the HIV and AIDS population, including Native Americans and other people of color, and five public members who have expertise in HIV and AIDS services, prevention, program administration, financial management and other categories of expertise required under federal planning requirements. Appointed members serve staggered three-year terms. The governor appoints the chair.

Powers and Duties: Section 24-1-29 NMSA 1978: reviews and makes recommendations on Department of Health HIV and AIDS policies; studies and makes recommendations to the department on all factors affecting availability, quality and accessibility of health services for persons with HIV and AIDS, including reviewing and consulting with the Department of Health Medical Advisory Committee and reviewing the policies and practices of each state agency with HIV and AIDS services; serves as the planning and advisory group to the department's HIV and AIDS services programs; provides its evaluation and recommendations for inclusion in the department's annual report, including recommendations for administrative and legislative changes and resource allocations and funding; provides information to the executive and legislative branches; advocates for improved and expanded services; and establishes task forces as it deems necessary.

Duplication, Similarity or Connection with Other Agencies: Several state agencies provide services or are otherwise responsible for HIV and AIDS programs and patients.

Category: Health and Human Services

Hospital-Acquired Infection Advisory Committee

Statutory Reference: Section 24-29-3 NMSA 1978 (Hospital-Acquired Infection Act).

Organizational Status: Created within the Department of Health.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Indirect through the department; per diem and mileage are not statutory.

Membership: One consumer of health care services; representatives of the Association for Professionals in Infection Control and Epidemiology, New Mexico Hospital Association, New Mexico Medical Review Association and Society for Healthcare Epidemiology of America; and the department's Infectious Disease Epidemiology Bureau.

Powers and Duties: Section 24-29-3 NMSA 1978: establishes objectives, definitions, criteria and standards for the reporting of hospital-acquired infections; works with hospitals to identify and recruit volunteer hospitals in surveillance of hospital-acquired infections and other indicators; develops objectives and action plans for instituting a statewide program of surveillance of hospital-acquired infections and other indicators; identifies specific infections and indicators subject to surveillance and reporting; identifies and makes recommendations regarding training in the use of the surveillance system or in the prevention and control of hospital-acquired infections and infectious disease; develops and disseminates appropriate reports of the findings of surveillance; and consults with technical advisors with regional or national expertise in the prevention and control of hospital-acquired infections and infectious disease.

Section 24-29-4 NMSA 1978: identifies hospitals willing and qualified to participate in surveillance of hospital-acquired infections and identifies their specific training and educational needs.

Section 24-29-5 NMSA 1978: determines specific infections and indicators for surveillance and reporting.

Section 24-29-6 NMSA 1978: determines content, format, venue and frequency of regular reports to the public.

Duplication, Similarity or Connection with Other Agencies: Department of Health; New Mexico Health Policy Commission; hospitals.

Category: Health and Human Services

Human Rights Commission

Statutory Reference: Section 28-1-3 NMSA 1978 (Human Rights Act).

Organizational Status: Administratively attached to the Workforce Solutions Department.

Policy or Advisory? Policy

Rulemaking Authority? No; the secretary of workforce solutions promulgates rules.

Federal Mandate? No

Senate Confirmation? Yes

Sunset? No

Funding: General appropriation act; statutory per diem and mileage included in the operating budget.

Membership: Eleven members appointed by the governor with the advice and consent of the senate for staggered four-year terms; not more than six from the same political party and not more than one member from any one county. The governor designates the chair.

Other: A 1994 amendment to the Human Rights Act allows the hearing officer of the Human Rights Division of the Workforce Solutions Department to augment the efforts of the commission by holding hearings concerning alleged discrimination.

The commission has subpoena power.

Powers and Duties: Section 28-1-4 NMSA 1978: may: hear complaints and issue orders, including cease and desist orders concerning alleged unlawful discriminatory practice; hold hearings, subpoena witnesses and compel their attendance; administer oaths and take testimony under oath; and order depositions and require production for examination of any evidence.

Duplication, Similarity or Connection with Other Agencies: Human Rights Division.

Category: Health and Human Services

Individual Development Account Council

Statutory Reference: Section 58-30-6 NMSA 1978 (Individual Development Account Act).

Organizational Status: Unspecified

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No, but part of federal welfare reform measures.

Senate Confirmation? No

Sunset? No

Funding: Indirect through the Workforce Solutions Department; statutory per diem and mileage for council meetings and conferences and workshops.

Membership: The lieutenant governor or the lieutenant governor's designee and eight members appointed by the governor to represent the state geographically; provided that the members shall include representatives of a participating financial institution, a philanthropic institution, a community college and a nonprofit workforce entrepreneurial training provider and at least one representative from a nonprofit or educational institution providing financial coaching within a service area containing fewer than 20,000 persons, as shown by the most recent decennial census. The secretary of workforce solutions or the secretary's designee shall serve as an ex-officio member of the council.

Other: The Workforce Solutions Department provides adequate staff support and administrative services for the council.

Powers and Duties: Section 58-30-6 NMSA 1978: provides oversight of the administration of the Individual Development Account Act; suggests possible changes that benefit account owners or improve the effectiveness of the individual development account programs throughout the state; and obtains subject matter expertise through attendance at conferences and workshops related to proven and promising asset-building strategies. The council shall meet at least two times in a calendar year to perform its duties.

Duplication, Similarity or Connection with Other Agencies: Workforce Solutions Department; Financial Institutions Division of the Regulation and Licensing Department.

Category: Health and Human Services

Joint Organization on Education Committee

Statutory Reference: Section 24-10B-7 NMSA 1978 (Emergency Medical Services Act).

Organizational Status: Unspecified

Policy or Advisory? Unspecified; Department of Health reports policy.

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Indirect through the Department of Health; statutory per diem and mileage to the extent that funds are available.

Membership: Directors and medical directors of each approved emergency medical services training program; state emergency medical services medical director and the bureau chief, who are nonvoting; and each emergency medical service regional office training coordinator and one provider from the three highest levels of licensure, who are appointed by the secretary of health from a list proposed by the Statewide Emergency Medical Services Advisory Committee.

Powers and Duties: Section 24-10B-7 NMSA 1978: develops minimum curriculum content for approved training programs; establishes minimum standards for approved training programs; reviews and approves applications for becoming an approved training program; and develops minimum qualifications for and maintains a list of instructors for each approved training program.

Duplication, Similarity or Connection with Other Agencies: The Emergency Medical Services Bureau has several organizations that oversee various aspects of the field.

Can Existing Agency Perform Function? Unknown; possibly universities or the bureau without formalized advice.

Category: Health and Human Services

Juvenile Supervision, State Council for Interstate

Statutory Reference: Section 32A-10-9 NMSA 1978.

Organizational Status: Required under the Interstate Compact for Juveniles (new version).

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Unspecified

Membership: Unspecified; each state determines the membership of its own state council; however, membership shall include at least one representative from the legislative, judicial and executive branches of government, victims' groups, the compact administrator and deputy compact administrator or designee.

Powers and Duties: Section 32A-10-9 NMSA 1978 advises and may exercise oversight and advocacy concerning that state's participation in interstate commission activities and other duties as determined by that state, including development of policy concerning operations and procedures of the compact within that state.

Duplication, Similarity or Connection with Other Agencies: Children, Youth and Families Department; compact administrator.

Category: Health and Human Services

Long-Term Care, Interagency Committee on

Statutory Reference: Section 24A-5-3 NMSA 1978 (Long-Term Care Services Act).

Organizational Status: Unspecified

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: No

Membership: Eight members, consisting of the heads of the following agencies or their designated representatives: Aging and Long-Term Services Department; Health Care Authority; Department of Health; Children, Youth and Families Department; Workforce Solutions Department; Governor's Commission on Disability; Developmental Disabilities Council; and Office of Superintendent of Insurance. The governor appoints the chair.

Powers and Duties: Section 24A-5-3 NMSA 1978: designs and implements a coordinated service delivery system that fulfills the legislative mandate to develop a coordinated long-term care system.

Section 24A-5-4 NMSA 1978: shall take into consideration certain principles in the design, development and implementation of the integrated long-term care system.

Section 24A-5-5 NMSA 1978: the chair presents a report to the legislature on the progress of the committee and the status of the coordinated service delivery system. The report includes conclusions and recommendations to further the work of the committee and to complete the process of integrating the service delivery system in the state.

Duplication, Similarity or Connection with Other Agencies: None noted as this is an interagency coordinating committee.

Category: Health and Human Services

Maternal Mortality Review Committee

Statutory Reference: Section 24-32-3 NMSA 1978 (Maternal Mortality and Morbidity Prevention Act).

Organizational Status: Created in the Department of Health.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: No direct appropriation; members traveling in excess of 50 miles to attend a committee meeting may, with the approval of the Department of Health, receive per diem and mileage; a member forsaking critical income to attend a meeting may, with the approval of the department, be additionally reimbursed for loss of that income in an amount not to exceed $300.

Membership: Members include: the chief medical officer of the Department of Health or another representative of the department appointed by the secretary of health, who is the ex-officio administrative co-chair; a clinical co-chair, who is nominated by the committee and approved by the department; and a maximum of 30 additional members, who are appointed by the administrative co-chair; provided that four of those members include two members nominated by the secretary of Indian affairs and two members nominated by the director of the Office on African American Affairs. Each member of the committee, except the administrative co-chair, serves a term of three years, with no consecutive terms.

In appointing members of the committee, the administrative co-chair shall include members that work in and represent communities that are most impacted per the state maternal mortality ratio so that the composition of the committee reflects the racial, ethnic and linguistic diversity of the state, the differing geographic regions within the state, including rural and urban areas, and communities that are most impacted by pregnancy-related deaths, severe maternal morbidity and a lack of access to relevant perinatal and intrapartum care services. Pursuant to requirements established by the Department of Health, each member of the committee shall receive training on trauma and the impacts of trauma, including secondary trauma, trauma of racism and trauma of maternal mortality and morbidity.

Powers and Duties: Section 24-32-3 NMSA 1978: reviews each incident of maternal mortality; reviews aggregate data relating to severe maternal morbidity; outlines trends and patterns and provide recommendations relating to maternal mortality and severe maternal morbidity in the state; compiles and distributes reports; serves as a link with maternal mortality and morbidity review teams nationwide and participates in national maternal mortality and

morbidity review team activities; and performs any other functions as resources allow to enhance efforts to reduce and prevent maternal mortality and severe maternal morbidity in the state. The co-chairs of the committee may designate an executive committee to conduct business as necessary.

Duplication, Similarity or Connection with Other Agencies: Department of Health.

Category: Health and Human Services

Medical Advisory Committee

Statutory Reference: Section 24-1F-4 NMSA 1978 (Billy Griego HIV and AIDS Act).

Organizational Status: Unspecified; committee created at the Department of Health.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: No

Membership: Seven members, including four physicians and two consumers with current experience in the treatment of HIV and AIDS; and the department's chief medical officer or designee is chair.

Powers and Duties: Section 24-1F-4 NMSA 1978: reviews the department's HIV and AIDS drug formulary and policies regarding the selection, utilization and provision of those drugs; and recommends changes as appropriate and reports its recommendations to the Governor's HIV and AIDS Policy Commission.

Duplication, Similarity or Connection with Other Agencies: Governor's HIV and AIDS Policy Commission.

Category: Health and Human Services

Medical Direction Committee

Statutory Reference: Section 24-10B-7 NMSA 1978 (Emergency Medical Services Act).

Organizational Status: Advisory to the Injury Prevention and Emergency Medical Services Bureau [Emergency Medical Services Bureau] of the Department of Health.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Indirect through the Department of Health; statutory per diem and mileage to the extent funds are available.

Membership: State emergency medical services medical director serves as chair; others include a physician experienced in pre-hospital medical care selected from a list proposed by the New Mexico chapter of the American College of Emergency Physicians; a physician from the Emergency Medical Services Academy; a physician from each of the emergency medical services geographic regions; one physician with pediatric emergency medicine expertise; one physician representing emergency medical dispatchers; and one provider from the three highest levels of licensure. Members are selected to represent both public and private interests.

Powers and Duties: Section 24-10B-7 NMSA 1978: advises the bureau on matters relating to medical control and medical direction; reviews the medical appropriateness of all rules proposed by the bureau; reviews and approves applications of providers for special skills authorizations; assists in the development of rules pertaining to medical direction; and reviews at least annually a list of skills, techniques and medications approved for use at each level of licensure that will be approved by the secretary of health and issued by the bureau.

Duplication, Similarity or Connection with Other Agencies: The Emergency Medical Services Bureau has several organizations that oversee various aspects of the field.

Category: Health and Human Services

Medical Investigators, Board of

Statutory Reference: Section 24-11-1 NMSA 1978.

Organizational Status: Unspecified

Policy or Advisory? Policy for the Office of the State Medical Investigator.

Rulemaking Authority? Unspecified

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: General appropriation act; the office is a line item in the University of New Mexico budget; statutory per diem and mileage.

Membership: The dean of the University of New Mexico School of Medicine, the secretary of health, the chief of the New Mexico State Police, the chair of the Board of Funeral Services and the secretary of Indian affairs.

Powers and Duties: Section 24-11-2 NMSA 1978: meets at least annually and as often as necessary; formulates broad policy for operation of the Office of the State Medical Investigator and the offices of the district medical investigators; and employs and fixes compensation of the state medical investigator, who shall be assigned to the medical school.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: Health and Human Services

Medical Psilocybin Advisory Board

Statutory Reference: Section 26-2D-8 NMSA 1978 (Medical Psilocybin Act).

Organizational Status: Advisory to the Department of Health.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Unspecified; per diem and mileage not statutory.

Membership: Board established by the secretary of health and consists of nine members knowledgeable about the medical use of psilocybin, including: at least one member who is an enrolled member of an Indian nation, tribe or pueblo located wholly or partially in New Mexico; one member who is licensed to provide behavioral health care services in New Mexico; one member who is a mental or behavioral health equity advocate; one member who is a representative of the Health Care Authority; and one member who is a veteran of the United States armed forces. A majority of the members constitutes a quorum, and a quorum of the members present and a majority vote are needed to take any action.

Powers and Duties: Section 26-2D-8 NMSA 1978: reviews and recommends to the department for approval medical conditions that may benefit from the medical use of psilocybin; accepts and reviews petitions to add medical conditions to the list of medical conditions that qualify for medical use of psilocybin; convenes at least twice per year to conduct public hearings and to evaluate petitions; recommends patient qualifications; recommends formulation or preparation rules and dosage standards for psilocybin; and assists the department in establishing, monitoring and evaluating best practices for producers and clinicians.

Duplication, Similarity or Connection with Other Agencies: Department of Health.

Category: Health and Human Services

Medical Use of Cannabis Advisory Board

Statutory Reference: Section 26-2B-6 NMSA 1978 (Lynn and Erin Compassionate Use Act).

Organizational Status: Advisory to the Department of Health.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Indirect through the department; per diem and mileage not statutory.

Membership: Nine members appointed by the secretary of health knowledgeable about the medical use of cannabis. The members shall be chosen for appointment by the secretary from a list proposed by the New Mexico Medical Society, the New Mexico Nurses Association, the New Mexico Academy of Family Physicians, the New Mexico Academy of Physician Assistants, the New Mexico Pharmacists Association or the New Mexico Hispanic Medical Association. A quorum consists of five members.

Powers and Duties: Section 26-2B-6 NMSA 1978: reviews and recommends to the Department of Health for approval additional debilitating medical conditions that would benefit from the medical use of cannabis; accepts and reviews petitions to add medical conditions, medical treatments or diseases to the list of debilitating medical conditions that qualify for the medical use of cannabis; convenes at least twice per year to conduct public hearings and to evaluate petitions, which shall be maintained as confidential personal health information, to add medical conditions, medical treatments or diseases to the list of debilitating medical conditions that qualify for the medical use of cannabis; issues recommendations concerning rules to be promulgated for the issuance of registry identification cards; recommends quantities of cannabis that are necessary to constitute an adequate supply for qualified patients and primary caregivers; recommends formulation or preparations of cannabis or cannabis products; and recommends quantities of cannabis that a reciprocal participant may obtain and possess.

Other: There is not a statutory name for the board.

Duplication, Similarity or Connection with Other Agencies: Department of Health; Board of Pharmacy; University of New Mexico Health Sciences Center; New Mexico Medical Society.

Category: Health and Human Services

Miners' Hospital of New Mexico, Board of Trustees of the

Statutory Reference: Article 14, Section 1 of the Constitution of New Mexico; Section 23-3-2 NMSA 1978.

Organizational Status: Adjunct

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? Yes, in the sense that the state accepted the conditions of the Enabling Act for New Mexico and confirmed the Miners' Hospital in the constitution.

Senate Confirmation? Yes

Sunset? No

Funding: General appropriation act; other state funds = land grant funding; statutory per diem and mileage.

Membership: Five members appointed by the governor with the advice and consent of the senate. One member is a physician, two members are miners and two members represent the public. Members serve staggered five-year terms.

Other: The hospital is a Land Grant Permanent Fund institution and does not receive General Fund appropriations. Although the hospital is a constitutional institution, the board of trustees was created in 1975, and all property was transferred from the hospitals and institutions department to the board. It is the only constitutional institution not administered by a state agency.

Powers and Duties: Section 23-3-3 NMSA 1978: may sue and be sued; contracts; acquires land; does all things necessary to carry out its duties; and supervises and controls all functions of the operation and management of the Miners' Hospital of New Mexico.

Duplication, Similarity or Connection with Other Agencies: Department of Health.

Category: Health and Human Services

Next Generation Council

Statutory Reference: Section 24-19-11 NMSA 1978 (Children's Trust Fund Act).

Organizational Status: Unspecified; assists the Children's Trust Fund Board of Trustees and the Children, Youth and Families Department.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Indirect through the Children, Youth and Families Department; statutory per diem and mileage.

Membership: Ten members, at least two from each congressional district, who are not employees of the state and who are knowledgeable in the area of positive child and youth development programs, appointed by the Children's Trust Fund Board of Trustees. Members serve at the pleasure of the board. Members select the chair.

Powers and Duties: Section 24-19-11 NMSA 1978: evaluates proposed Next Generation Fund projects and programs and makes funding recommendations to the board of trustees.

Duplication, Similarity or Connection with Other Agencies: Children's Trust Fund Board of Trustees; Children's Cabinet; Children, Youth and Families Department.

Category: Health and Human Services

Overdose Prevention and Pain Management Advisory Council

Statutory Reference: Section 24-2D-5.2 NMSA 1978 (Pain Relief Act).

Organizational Status: Administratively attached to the Department of Health.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Indirect through the Department of Health; statutory per diem and mileage for members who are not public employees; mileage for public employees provided by their respective employer.

Membership: One representative each from the Department of Health, Human Services Department [Health Care Authority], Department of Public Safety, New Mexico Medical Board, Board of Nursing, Board of Pharmacy, Board of Acupuncture and Oriental Medicine, New Mexico Board of Dental Health Care, Chiropractic Board, University of New Mexico Health Sciences Center, a harm reduction organization, a third-party payer, a statewide medical association, a statewide association of pharmacists, a statewide association of nurse practitioners, a statewide association of certified registered nurse anesthetists and a statewide association of osteopathic physicians; one person who is a pain management specialist; one person who is an addiction specialist; one person who is a consumer health care advocate; and one person who has no direct ties or pecuniary interest in the health care field. The council meets quarterly.

Powers and Duties: Section 24-2D-5.2 NMSA 1978: reviews the current status of overdose prevention and current pain management practices in New Mexico and national overdose prevention and pain management standards and educational efforts for both consumers and professionals; and makes recommendations regarding overdose prevention and pain management practices. The council may create subcommittees as needed.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: Health and Human Services

Patient Qualification Review Board

Statutory Reference: Section 26-2A-5 NMSA 1978 (Controlled Substances Therapeutic Research Act).

Organizational Status: Serves at the pleasure of the secretary of health.

Policy or Advisory? Something more than advisory.

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: No direct appropriation; statute provides for reimbursement for attendance at the rate of $40.00 per day.

Membership: Members recommended by the New Mexico Medical Society to include an ophthalmologist, medical oncologist and psychiatrist/neurologist.

Other: The program and the board are defunct.

Powers and Duties: Section 26-2A-5 NMSA 1978: reviews all applicants for the Lynn Pierson Therapeutic Research Program and their physicians and certifies their participation in the program; may include other disease groups for participation in the program after the approval of the U.S. Food and Drug Administration and Drug Enforcement Administration and the National Institute on Drug Abuse.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: Health and Human Services

Patient's Compensation Fund Advisory Board

Statutory Reference: Section 41-5-25.1 NMSA 1978 (Medical Malpractice Act).

Organizational Status: Unspecified

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: No direct appropriation; statutory per diem and mileage; members receive no other compensation.

Membership: Nine members, including: two representatives from the New Mexico Trial Lawyers Association; two representatives of a statewide association representing hospitals; two representatives of a statewide association representing physicians; two patient or patient advocate representatives; and one representative of a statewide association representing certified nurse practitioners. Members are chosen annually by their organizations, as applicable, and the patient or patient advocate representatives shall be chosen by the chief justice of the supreme court from nominations made by the New Mexico Trial Lawyers Association. Must meet at least twice per year or at the request of the superintendent of insurance.

Powers and Duties: Section 41-5-25.1 NMSA 1978: reviews the process and data for the setting of the surcharges for all qualified health care providers pursuant to the Medical Malpractice Act; advises the superintendent of insurance concerning surcharge data accumulation and results; advises the superintendent on the surcharges to be set by the superintendent; and prepares an annual report to the legislature.

Duplication, Similarity or Connection with Other Agencies: Office of Superintendent of Insurance.

Category: Health and Human Services

Prescription Drug Importation Advisory Committee

Statutory Reference: Section 26-4-3 NMSA 1978 (Wholesale Prescription Drug Importation Act).

Organizational Status: Created as an interagency advisory committee of the Health Care Authority.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Unspecified

Membership: Five members, including: the secretary of health care authority, who shall serve as the chair of the committee; the executive director of the Board of Pharmacy; the superintendent of insurance; the secretary of health; and the secretary of general services. Members may appoint designees.

Powers and Duties: Section 26-4-3 NMSA 1978: advises the Health Care Authority in developing and implementing the wholesale prescription drug importation program; consults with interested stakeholders and appropriate federal officials as necessary in shaping its advice to the authority; and holds a public hearing on the proposed program prior to submitting the program for federal approval.

Duplication, Similarity or Connection with Other Agencies: Health Care Authority.

Category: Health and Human Services

Primary Care Council

Statutory Reference: Section 24A-1-14 NMSA 1978.

Organizational Status: Created by the secretary of health care authority.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: No direct appropriation; members not eligible for per diem and mileage or any other compensation.

Membership: Nine voting members appointed by the secretary of health care authority, including: one member from the Health Care Authority; one member from the Department of Health; one member from the Office of Superintendent of Insurance; one member from a statewide organization representing federally qualified health centers in New Mexico; and five members from statewide organizations representing primary care providers or statewide health professional societies or associations. Thirteen nonvoting members are appointed by the secretary of health care authority representing health care and other stakeholders, in an advisory capacity.

Powers and Duties: Section 24A-1-14 NMSA 1978: develops a shared description of primary care practitioners and services; analyzes annually the proportion of health care delivery expenditures allocated to primary care statewide; reviews national and state models of optimal primary care investment with the objectives of increasing access to primary care, improving the quality of primary care services and lowering the cost of primary care delivery statewide; reviews New Mexico state and county data and information about barriers to accessing primary care services faced by New Mexico residents; recommends policies, rules and legislation to increase access to primary care, improve the quality of primary care services and lower the cost of primary care delivery while reducing overall health care costs; coordinates efforts with the Graduate Medical Education Expansion Review Board and other primary care workforce development initiatives to devise a plan that addresses primary care workforce shortages within the state; reports annually to the interim Legislative Health and Human Services Committee and the Legislative Finance Committee on ways that primary care investment could increase access to primary care, improve the quality of primary care services, lower the cost of primary care delivery, address the shortage of primary care providers and reduce overall health care costs; and develops and presents to the secretary a five-year plan to determine how primary care investment could increase access to primary care, improve the quality of primary care services, lower the

cost of primary care delivery, address the shortage of primary care providers and reduce overall health care costs.

Duplication, Similarity or Connection with Other Agencies: Health Care Authority.

Category: Health and Human Services

Substitute Care Advisory Council

Statutory Reference: Section 32A-8-4 NMSA 1978 (Citizen Substitute Care Review Act).

Organizational Status: Administratively attached to the Regulation and Licensing Department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No, but created in response to a 1983 federal court consent decree.

Senate Confirmation? No

Sunset? No

Funding: General appropriation act line item under the Department of Finance and Administration; statutory per diem and mileage; provided that if a different provision of the Per Diem and Mileage Act applies to a member, the member shall be paid pursuant to that provision.

Membership: Nine people, including the secretary of public education or designee; secretary of human services [health care authority] or designee; secretary of finance and administration or designee; secretary of health or designee; four public members appointed by the governor, including two between 18 and 30 years old who have been in substitute care and two with expertise in child welfare; and a children's court judge appointed by the governor. A person employed by the Children, Youth and Families Department or a district court shall not serve. Public members serve three-year terms. The council meets not less than annually and at the call of the chair.

Powers and Duties: Section 32A-8-4 NMSA 1978: adopts rules relating to the functions and procedures of substitute care boards and the council, including establishing training requirements for board members, criteria and procedures for board review of substitute care cases and criteria for membership and tenure on substitute care review boards and specifying the information needed for cases to be monitored by the review boards and to be tracked and reported to the council; weighs the importance of sibling placements, frequency and severity of neglect or abuse, behavioral health status of household members, placing children in households where they have no relatives, demographics and relevant trend data; reviews and coordinates activities of the substitute care review boards; and makes recommendations to the Children, Youth and Families Department, courts and appropriate interim legislative committees. May hire staff and contract for services to carry out the purposes of the act. Appoints each year from substitute care review board members a six-member advisory committee that shall meet with the council once a year on matters relating to substitute care review.

Section 32A-8-5 NMSA 1978: establishes no fewer than three substitute care review boards, including no more than one each in the third, ninth and tenth judicial districts; two each in the first, fourth through eighth and eleventh through thirteenth judicial districts; and three in

the second judicial district; and provides administrative support to substitute care review boards in accordance with the act and council rules.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: Health and Human Services

Telehealth and Health Information Technology Commission, New Mexico

Statutory Reference: Section 24-1G-4 NMSA 1978 (New Mexico Telehealth and Health Information Technology Commission Act).

Organizational Status: Administratively attached to the Department of Health.

Policy or Advisory? Unspecified

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: No; per diem and mileage not statutory.

Membership: No more than 25 members, with one-third appointed from rural areas. Members are chosen from the following categories: health care facilities; health care practitioners; health care workforce educators; telehealth technology experts; the telecommunications industry; the business community; health care insurance providers or other health care payers; Indian nations, tribes and pueblos; legislators; state agencies responsible for telecommunications, public health, Medicaid and social services, workforce development, children's health and social services, services for the elderly and disabled, criminal justice, health policy and planning and education; and other members as the governor may decide. Members are appointed by the governor and serve at the governor's pleasure. The governor designates the chair and vice chair. The commission meets at least once each quarter.

Powers and Duties: Section 24-1G-4 NMSA 1978: identifies how telehealth can be used and how it can help implement the state comprehensive health plan; identifies barriers to telehealth utilization and expansion; inventories the state's telehealth assets and available infrastructure and examines the financial impact of failing to develop capacities; coordinates public and private sector initiatives to enhance networking, portal development and connectivity and to expand telehealth and telecommunications capacity; establishes subcommittees as necessary; identifies specific actions to increase collaborative efforts and public-private partnerships; develops and disseminates specific standards and guidelines to ensure quality of care, positive health outcomes, appropriate use of technology and protection of privacy and confidentiality; reviews and comments on initiatives, projects and grant applications; and reports annually to the governor and the legislature.

Duplication, Similarity or Connection with Other Agencies: Department of Health; New Mexico Health Policy Commission; University of New Mexico Health Sciences Center.

Category: Health and Human Services

Trauma Advisory Committee

Statutory Reference: Section 24-10B-7 NMSA 1978 (Emergency Medical Services Act).

Organizational Status: Subcommittee of the Statewide Emergency Medical Services Advisory Committee.

Policy or Advisory? Unspecified

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Indirect through the Department of Health; statutory per diem and mileage to the extent that funds are available.

Membership: Unspecified

Powers and Duties: Unspecified

Duplication, Similarity or Connection with Other Agencies: Injury Prevention and Emergency Medical Services Bureau [Emergency Medical Services Bureau] of the Public Health Division of the Department of Health has several organizations that deal with various aspects of the field; this is a subcommittee of one of the committees.

Category: Health and Human Services

Trauma System Fund Authority

Statutory Reference: Section 24-10E-4 NMSA 1978 (Trauma System Fund Authority Act).

Organizational Status: Administratively attached to the Department of Health.

Policy or Advisory? Unspecified, but develops criteria and approves applications.

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: No direct appropriation; per diem and mileage not statutory.

Membership: At least nine members appointed by the governor, including the secretary of health or the secretary's designee, representation from the medical specialty of trauma physicians, at least one member of a statewide organization representing physicians, at least one member representing emergency and trauma nursing practice, at least one member of a statewide organization representing hospitals and health systems, at least one member of a statewide organization representing injury prevention, the chair of the Statewide Emergency Medical Services Advisory Committee, the chair of the Trauma Advisory Committee and at least one member of a statewide organization representing rehabilitation services. Members elect the officers; and the authority meets regularly at the call of the chair.

Powers and Duties: Section 24-10E-5 NMSA 1978: develops criteria for the distribution of money to trauma centers; receives applications and determines and monitors the distribution of money from the Trauma System Fund; oversees the department's administration of the fund and the development of a trauma system; and reports annually to the Legislative Health and Human Services Committee and the Legislative Finance Committee.

Duplication, Similarity or Connection with Other Agencies: Department of Health.

Category: Health and Human Services

Tribal Infrastructure Board

Statutory Reference: Section 6-29-4 NMSA 1978 (Tribal Infrastructure Act).

Organizational Status: Administratively attached to the Indian Affairs Department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Indirect through the Indian Affairs Department; statutory per diem and mileage for members appointed by the governor.

Membership: Nine voting and four nonvoting members. Voting members are the secretary of Indian affairs, who serves as chair, or designee; secretary of finance and administration or designee; secretary of health or designee; secretary of environment or designee; executive director of the New Mexico Finance Authority or designee; four members with experience in capital projects development or administration from tribes appointed by the governor, including one member of a pueblo, one member of the Jicarilla Apache Nation, one member of the Mescalero Apache Tribe and one member of the Navajo Nation. Nonvoting members are one representative each from the following: the Bureau of Indian Affairs Albuquerque area office designated by the regional director; the Bureau of Indian Affairs Navajo area office designated by the regional director; the Albuquerque area Indian Health Service designated by the area director; and the Navajo area Indian Health Service designated by the area director. The board meets at the call of the chair or whenever four voting members request, but not less than twice a year. Terms of gubernatorial appointees are two years.

Powers and Duties: Section 6-29-5 NMSA 1978: adopts rules governing terms, conditions and priorities for providing financial assistance to tribes, including developing application and evaluation procedures and forms and qualifications for applicants and projects; provides financial assistance to tribes for qualified projects; and authorizes funding for qualified projects, including: (1) planning, designing, constructing, improving, expanding or equipping water and wastewater facilities, major water systems, electrical power lines, communications infrastructure, roads, health infrastructure, emergency response facilities and infrastructure needed to encourage economic development; (2) developing engineering feasibility reports; (3) inspecting the construction of qualified projects; (4) providing special engineering services; (5) completing environmental assessments or archaeological clearances and other surveys; (6) acquiring land, easements or rights of way; and (7) paying the legal costs and fiscal agent fees associated with the development of qualified projects.

Duplication, Similarity or Connection with Other Agencies: Indian Affairs Department; Department of Environment; New Mexico Finance Authority.

Category: Health and Human Services

Veterans' Home Advisory Board, New Mexico

Statutory Reference: Section 23-4-1 NMSA 1978.

Organizational Status: Advisory to the Department of Health and the administrators of the New Mexico State Veterans' Home and Fort Bayard Medical Center Veterans' Unit.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Indirect through the Department of Health; per diem and mileage not statutory.

Membership: Nine members as follows: secretary of health or designee; director of the Health Care Coordination Division of the Veterans' Services Department; secretary of aging and long-term services or designee; a private nursing home administrator; a registered health care professional employed by a public or private nursing home; state commander of the Department of New Mexico Veterans of Foreign Wars or designee; department commander of the American Legion or designee; state commander of Disabled American Veterans or designee; and a member of any other congressionally recognized veteran service organization. Non-ex-officio members are appointed by the governor for three-year terms.

Powers and Duties: Section 23-4-1 NMSA 1978: provides advice to the secretaries of veterans' services and health and the administrator of the New Mexico State Veterans' Home and the Fort Bayard Medical Center Veterans' Unit regarding veterans' services.

Duplication, Similarity or Connection with Other Agencies: Department of Health; Veterans' Services Department; Veterans' Services Advisory Board.

Category: Health and Human Services

Women, Commission on the Status of

Statutory Reference: Section 28-3-1 NMSA 1978.

Organizational Status: Administratively attached to the Human Services Department [Health Care Authority].

Policy or Advisory? Policy

Rulemaking Authority? No

Federal Mandate? No, but it is the designated state agency for United States programs related to the status of women, unless otherwise designated.

Senate Confirmation? No

Sunset? No

Funding: General appropriation act; statutory per diem and mileage in operating budget.

Membership: Fifteen members, including one member of the Human Rights Commission, appointed by the governor. A majority of the members shall be women, and no more than eight members may belong to any one political party. Terms are staggered for three years. The governor designates the chair and vice chair. The commission names the director.

Powers and Duties: Section 28-3-2 NMSA 1978: stimulates and encourages study and review of the status of women in the state; acts as a clearinghouse for all activities involving the status of women; recommends methods of overcoming discrimination against women in public and private employment; promotes methods for enabling women to develop their skills, continue their education and be retrained; cooperates with and assists public and private entities dealing with women; and conducts periodic conferences throughout the state to apprise women of their rights and opportunities and to learn from them of their needs and problems and secure recognition of women's accomplishments and contributions to the state.

Section 28-3-3 NMSA 1978: may receive gifts, donations or bequests; is designated as the state agency for handling federal programs related to the status of women, unless otherwise designated by law; and may enter into agreements and contracts with federal agencies.

Section 28-3-8 NMSA 1978: carries out provisions of the Displaced Homemakers Act.

Duplication, Similarity or Connection with Other Agencies: Human Rights Division of the Workforce Solutions Department; Human Services Department [Health Care Authority].

Category: Health and Human Services

Women's Health, Office of the Governor's Council on

Statutory Reference: Section 28-3-6.1 NMSA 1978.

Organizational Status: Unspecified; administratively attached to the Commission on the Status of Women.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Indirect through the office or the Commission on the Status of Women; per diem and mileage not statutory.

Membership: One representative each from the Commission on the Status of Women, Department of Health, New Mexico Health Policy Commission, Children, Youth and Families Department, Human Services Department [Health Care Authority], Indian Affairs Department, Veterans' Services Department, and Office on African American Affairs; one representative of providers of women's health services; two representatives from rural counties; and four representatives of advocacy, community or consumer groups. Advisors represent geographic diversity. Members serve two-year terms at the pleasure of the governor and meet at least four times per year.

Powers and Duties: Section 28-3-6.1 NMSA 1978: serves as a clearinghouse for education and information on women's health; recommends performance measures and outcomes; reports annually to the governor; assists in developing policy to improve women's health and well-being; assists state agencies to improve women's access to health care; and may organize statewide meetings and focus groups to involve members of the public further in improving women's health and to identify emerging issues around women's health care delivery and services.

Duplication, Similarity or Connection with Other Agencies: Commission on the Status of Women; Department of Health; New Mexico Health Policy Commission.

Category: Health and Human Services

Youth Alliance

Statutory Reference: Section 9-2A-21 NMSA 1978 (Youth Alliance Act).

Organizational Status: Administratively attached to the Children, Youth and Families Department.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: None noted; per diem and mileage of the participants not statutory.

Membership: Youth aged 14 to 24 from each legislative district to be recruited through an open process and selected by a panel of other Youth Alliance members, legislators, government officials and representatives of community-based organizations using clear criteria developed by the Children, Youth and Families Department to ensure ethnic and economic diversity. Members serve two-year terms.

Powers and Duties: Section 9-2A-21 NMSA 1978: meets at least four times a year to discuss, from a youth perspective, the assets that exist in communities and schools and the gaps that are present in these systems and to recommend opportunities for problem-solving and collaboration to the governor, lieutenant governor and legislature; and issues an annual report that summarizes its activities and findings.

Other: Subject to sufficient appropriations, alliance members engage a diverse group of local peers, solicit their input and launch local projects.

Duplication, Similarity or Connection with Other Agencies: Children, Youth and Families Department; Children's Cabinet.

Category: Instrumentalities

Exposition Center Authority, New Mexico

Statutory Reference: Section 6-25A-4 NMSA 1978 (New Mexico Exposition Center Authority Act).

Organizational Status: A public body politic and corporate, separate and apart from the state, constituting a governmental instrumentality for the performance of essential public functions.

The legislature oversees the activities of the authority through the New Mexico Exposition Center Authority Oversight Committee.

The authority is not subject to the supervision or control of any other board, bureau, department or agency of the state except as specifically provided in the New Mexico Exposition Center Authority Act. The use of the terms "state agency" or "instrumentality" in any other law of the state shall not be deemed to refer to the authority unless the authority is specifically referred to in the law. The authority is a qualified, qualifying or eligible entity within the meaning of the New Mexico Finance Authority Act, the Local Economic Development Act and the Statewide Economic Development Finance Act.

The authority is a governmental instrumentality for purposes of the Tort Claims Act.

The authority and its corporate existence shall continue until terminated by law; provided that no termination by law shall take effect so long as the authority has bonds or other obligations outstanding, unless adequate provision has been made for the payment of those obligations. Upon termination of the existence of the authority, all of its rights and properties in excess of its obligations shall pass to and be vested in the state.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes, for public members.

Sunset? No

Funding: Not a state agency. Members are reimbursed for actual and necessary expenses at the same rate and on the same basis as provided for public officers in the Per Diem and Mileage Act.

Membership: Fifteen members, including the secretary of finance and administration, the secretary of economic development, the secretary of tourism, the chair of the State Transportation Commission, the secretary of transportation, the executive director of the New Mexico Finance Authority, the mayor of Albuquerque, the chair of the Bernalillo County Board of County Commissioners, the mayor of Santa Fe, the chair of the Santa Fe County Board of County Commissioners, the executive director of the Mid-Region Council of Governments and

four members who are residents of the state, at least three of whom are nonresidents of Bernalillo County or Santa Fe County. Public members are appointed for four-year staggered terms by the governor with the advice and consent of the senate and serve at the governor's pleasure. The governor designates an appointed member as chair. The authority elects annually one of its members to serve as vice chair. The authority may appoint and prescribe the duties of such other officers, who need not be members, including an executive director and a secretary, who may be the same person. The authority may delegate to a member, officer, employee or agent such powers and duties as it deems proper and consistent with the New Mexico Exposition Center Authority Act.

Powers and Duties: Section 6-25A-5 NMSA 1978: does any and all things necessary or convenient to carry out its purposes and exercises the powers given and granted in the New Mexico Exposition Center Authority Act, including acquiring property, issuing bonds and contracting other debt.

Duplication, Similarity or Connection with Other Agencies: Other instrumentalities.

Category: Instrumentalities

Finance Authority, New Mexico

Statutory Reference: Section 6-21-4 NMSA 1978 (New Mexico Finance Authority Act).

Organizational Status: A public body politic and corporate, separate and apart from the state, constituting a governmental instrumentality for the performance of essential public functions.

The legislature oversees the activities of the authority through the New Mexico Finance Authority Oversight Committee. The authority is not subject to the supervision or control of any other board, bureau, department or agency of the state except as specifically provided in the New Mexico Finance Authority Act. No use of the terms "state agency" or "instrumentality" in any other law of the state shall be deemed to refer to the authority unless the authority is specifically referred to in the law. The authority is a governmental instrumentality for purposes of the Tort Claims Act.

The authority and its corporate existence shall continue until terminated by law; provided that no such law shall take effect so long as the authority has bonds or other obligations outstanding, unless adequate provision has been made for the payment of such obligations. Upon termination of the existence of the authority, all of its rights and properties in excess of its obligations shall pass to and be vested in the state.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Sunset? No

Senate Confirmation? Yes, for public members.

Funding: Not a state agency. Direct distribution from governmental gross receipts tax, cigarette tax and other taxes and funds; intercept of certain state, municipal and county tax distributions; certain tax administration administrative fees; special appropriations; and earnings from activities. Members are reimbursed for actual and necessary expenses at the same rate and on the same basis as provided for public officers in the Per Diem and Mileage Act.

Membership: Eleven members. The secretaries of finance and administration, economic development, energy, minerals and natural resources and environment and the executive directors of the New Mexico Municipal League and New Mexico Association of Counties or their designees are ex-officio members with voting privileges. The chief financial officer of a state higher educational institution and four members who are residents of the state are appointed by the governor for staggered four-year terms with the advice and consent of the senate. Appointed members shall serve at the pleasure of the governor. Any member of the authority shall be eligible for reappointment. The governor designates an appointed member to serve as chair. The authority elects its vice chair annually. The authority shall appoint and prescribe the

duties of such other officers, who need not be members, as the authority deems necessary or advisable, including a chief executive officer and a secretary, who may be the same person. The authority may delegate to one or more of its members, officers, employees or agents such powers and duties as it may deem proper and consistent with the New Mexico Finance Authority Act.

Powers and Duties: Section 6-21-5 NMSA 1978: has all powers necessary and appropriate to carry out and effectuate its public and corporate purposes, including to: acquire, construct, hold, improve, grant mortgages of, accept mortgages of, sell, lease, convey or dispose of real and personal property for its public purposes; acquire, construct or improve real property, buildings and facilities for lease and pledge rentals and other income received from such leases to the payment of bonds; make loans, leases and purchase securities and contract to make loans, leases and purchase securities; make grants to qualified entities to finance public projects, provided that such grants are not made from the Public Project Revolving Fund; procure insurance to secure payment on any loan, lease or purchase payments owed to the authority by a qualified entity in such amounts and from such insurers, including the federal government, as it may deem necessary or desirable and pay any premiums for such insurance; fix, revise from time to time, charge and collect fees and other charges in connection with the making of loans, leases and any other services rendered by the authority; accept, administer, hold and use all funds made available to the authority from any sources; borrow money and issue bonds and provide for the rights of the holders of the bonds; establish and maintain reserve and sinking fund accounts to insure against and have funds available for maintenance of other debt service accounts; invest and reinvest its funds and take and hold property as security for the investment of such funds as provided in the New Mexico Finance Authority Act, subject to any agreement with bondholders, to: (1) renegotiate any loan, lease or agreement; (2) consent to any modification of the terms of any loan, lease or agreement; and (3) purchase bonds, which may upon purchase be canceled; and do any and all things necessary or convenient to carry out its purposes and exercise the powers given and granted in the New Mexico Finance Authority Act.

Other: Section 6-25-6 NMSA 1978: reports twice each year to the New Mexico Finance Authority Oversight Committee regarding the total expenditures from the Economic Development Revolving Fund for the previous fiscal year, the purposes for which expenditures were made, an analysis of the progress of the projects and proposals for legislative action.

Section 6-25-6.1 NMSA 1978: in addition to other powers granted to the authority, may form, operate, own or co-own one or more nonprofit or for-profit qualified community development entities for the purpose of participation in the federal New Markets Tax Credit Program and, pursuant to participation in the federal New Markets Tax Credit Program, may apply for and obtain one or more allocations of new markets tax credits, market and sell qualified equity investments, make qualified low-income community investments and take all actions necessary or convenient to carry out the purposes of the qualified community development entity or to participate in the federal New Markets Tax Credit Program.

Responsibilities Under Other Acts: Drinking Water State Revolving Loan Fund Act; State Building Bonding Act; Energy Efficiency and Renewable Energy Bonding Act; Statewide Economic Development Finance Act; Behavioral Health Capital Funding Act; municipal and county bonding purposes, including flood control, payment in lieu of taxes and other revenue bonds; Minor League Baseball Stadium Funding Act; Tax Increment for Development Act;

Education Technology Equipment Act; Local Hospital Gross Receipts Tax Act; Primary Care Capital Funding Act; Child Care Facility Loan Act; Water Project Finance Act; Small Business Recovery and Stimulus Act; Behavioral Health Capital Funding Act; Primary Care Capital Funding Act; Venture Capital Program Act; and Opportunity Enterprise and Housing Development Act.

Funds: Public Project Revolving Fund, Water and Wastewater Project Grant Fund, Drinking Water State Revolving Loan Fund, Local Government Planning Fund, Local Transportation Infrastructure Fund, Rural County Cancer Treatment Fund, Local Government Transportation Fund, Metropolitan Court Bond Guarantee Fund, State Building Bonding Fund, Child Care Facility Revolving Loan Fund, Magistrate and Metropolitan Court Capital Fund, Law Enforcement Protection Fund, Water Project Fund, Acequia Project Fund, Small Business Recovery Loan Fund, Behavioral Health Capital Fund, Primary Care Capital Fund, Venture Capital Program Fund, Opportunity Enterprise Revolving Fund and Housing Development Revolving Fund.

Prohibited Actions: Section 6-21-23 NMSA 1978: shall not: lend money or make a grant other than to a qualified entity; purchase securities other than from a qualified entity or other than for investment as provided in the New Mexico Finance Authority Act; lease a public project to any entity other than a qualified entity, except that the authority may lease a public project to any entity following termination of a lease of the public project to a qualified entity if leasing the public project to an entity other than a qualified entity is necessary to avoid forfeiture or impairment of the public project or a default on bonds whose payment is secured, in whole or in part, by the public project or by lease rentals from the public project; deal in securities within the meaning of or subject to any securities law, securities exchange law or securities dealers law of the United States or of the state or of any other state or jurisdiction, domestic or foreign, except as authorized in the New Mexico Finance Authority Act; issue bills of credit or accept deposits of money for time on demand deposit or administer trusts or engage in any form or manner, or in the conduct of, any private or commercial banking business, or act as a savings bank or savings and loan association or any other kind of financial institution except as authorized in the New Mexico Finance Authority Act; engage in any form of private or commercial banking business except as authorized in the New Mexico Finance Authority Act; lend money, issue bonds, including public-private partnership project bonds, or make a grant for the promotion of gaming or a gaming enterprise or for development of infrastructure for a gaming facility; or after December 31, 2005, except in case of an emergency, accept an application for financial assistance from a municipality, county or other covered entity for a water or wastewater project unless it is submitted with a water conservation plan or a water conservation plan is on file with the state engineer in accordance with the provisions of Section 72-14-3.2 NMSA 1978.

Duplication, Similarity or Connection with Other Agencies: Other instrumentalities such as the New Mexico Mortgage Finance Authority, New Mexico Exposition Center Authority and New Mexico Hospital Equipment Loan Council.

Category: Instrumentalities

Historic Landscape Trust, Board of Trustees of the

Statutory Reference: Section 18-13-4 NMSA 1978 (Historic Landscape Act).

Organizational Status: Unspecified; created as a "public nonprofit corporation" with articles of incorporation and bylaws, but funds are deposited in the state treasury and members are allowed per diem and mileage.

Policy or Advisory? Unspecified

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Unspecified; law allows the initial board to seek private and public funding.

Membership: Two licensed landscape architects, one attorney, one certified public accountant, three residents with demonstrated interest and knowledge about historic landscapes, two residents who are active members of garden clubs and the secretaries of cultural affairs and tourism or their designees. The board is selected in accordance with the articles of incorporation and bylaws of the trust.

Powers and Duties: Section 18-13-5 NMSA 1978: prepares and files articles of incorporation that state as the purpose of the trust the preservation of significant historic landscapes; identifies sites deserving of inclusion in the system; and develops an historic landscape system.

Section 18-13-6 NMSA 1978: shall employ an executive director and specify the director's duties.

Section 18-13-7 NMSA 1978: shall seek private and public funding for the trust.

Duplication, Similarity or Connection with Other Agencies: Historic Preservation Division of the Cultural Affairs Department; Cultural Properties Review Committee.

Category: Instrumentalities

Hospital Equipment Loan Council, New Mexico

Statutory Reference: Section 58-23-5 NMSA 1978 (Hospital Equipment Loan Act).

Organizational Status: A public body politic and corporate, separate and apart from the state, constituting a governmental instrumentality for the performance of essential public functions.

The council is not subject to the supervision or control of any board, bureau, department or agency of the state except as specifically provided in the act. To effectuate the separation of the state from the council, no use of the terms "state agency" or "instrumentality" in any other law of the state shall be deemed to refer to the council unless the council is specifically referred to, except that the council is a state agency and instrumentality for the purposes of Article 8, Section 3 of the Constitution of New Mexico.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes

Sunset? No

Funding: Not a state agency. Members receive reimbursement for actual and necessary expenses at the same rate and basis as provided in the Per Diem and Mileage Act.

Membership: The council is governed by a five-member board of directors appointed by the governor with the advice and consent of the senate. Members shall be residents of the state, and two members shall be officers or directors of financial institutions located in New Mexico; two members shall be officers or directors of a health facility located in New Mexico and shall have been employed for a total of five years as officers or directors of any health facility; one member shall be appointed from and represent the public and shall not be directly or indirectly affiliated with any health facility; and no more than three members shall be of the same political party. Members serve staggered four-year terms. Members may be removed for misfeasance, malfeasance or willful neglect of duty. The board meets at least annually and may meet more often as required.

Other: All property acquired or held by the council under the Hospital Equipment Loan Act, income from such property and bonds issued under the act, plus the interest payable and income derived from the bonds, are exempt from taxation by the state or any subdivision of the state. Upon dissolution of the council, its assets, after payment of its indebtedness, shall inure to the benefit of the state. All health-related equipment purchased, acquired, leased, financed or refinanced with the proceeds of bonds is exempt from property taxation for as long as the participating health facility remains liable for any amount under any lease, loan or other

agreement securing the bonds, but not to exceed 30 years from the date the bonds were issued for the health-related equipment.

Powers and Duties: Section 58-23-11 NMSA 1978: has all powers necessary and appropriate to carry out and effectuate its public and corporate purposes, including to: provide health-related equipment to participating health facilities; lease as lessor health-related equipment; sell for installment payments or otherwise; option or contract for sale and convey all or any part of health-related equipment; make contracts and incur liabilities; borrow money at such rates of interest as the council may determine; issue its bonds in accordance with the provisions of the act; secure any of its bonds or obligations by mortgage or pledge of all or any of its property, franchises and income or as otherwise provided in the act; make secured or unsecured loans for the purpose of providing temporary or permanent financing or refinancing for the cost of health-related equipment, including the retiring of any outstanding obligations or advances issued and the reimbursement for the cost of any health-related equipment purchased within 12 months immediately preceding the date of the bond issue, made or given by any participating health facility for the cost of health-related equipment; charge and collect interest on such loans for such loan payments and upon such terms and conditions as the council may deem advisable and as are not in conflict with the provisions of the act; purchase, lease or otherwise acquire health-related equipment or any interest therein, as the purposes of the council require; and sell, convey, mortgage, pledge, assign, lease, exchange, transfer and otherwise dispose of or encumber all or any part of its property and assets.

Section 58-23-13 NMSA 1978: the council is specifically authorized to initiate a program of financing, refinancing or reimbursing the cost of health-related equipment to be operated by participating health facilities.

Duplication, Similarity or Connection with Other Agencies: Other instrumentalities.

Category: Instrumentalities

Industrial and Agricultural Finance Authority, New Mexico

Statutory Reference: Section 58-24-4 NMSA 1978 (Industrial and Agricultural Finance Authority Act).

Organizational Status: A public body politic and corporate, separate and apart from the state, constituting a public instrumentality for the performance of an essential governmental function.

The authority is not subject to the supervision or control of any board, bureau, department or agency of the state except as specifically provided in the Industrial and Agricultural Finance Authority Act.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes, for public members.

Sunset? No

Funding: Not a state agency.

Membership: The authority is governed by a seven-member board of directors, including the superintendent of regulation and licensing, the director of the New Mexico Department of Agriculture and the director of the Financial Institutions Division of the Regulation and Licensing Department. The governor appoints the other four members, who shall be residents of the state, at least one of whom shall have a knowledge of industrial and commercial activity in the state and at least one of whom shall have a knowledge of agricultural activity in the state. Public members serve staggered four-year terms and may be reappointed. Public members may be removed by the governor for misfeasance, malfeasance or willful neglect of duty. The governor designates the chair for the member's term. The board elects the vice chair annually.

Other: This authority has never been constituted.

Powers and Duties: Section 58-24-5 NMSA 1978: has all the powers necessary or convenient to carry out and effectuate the purposes and provisions of the Industrial and Agricultural Finance Authority Act, including to acquire property, issue bonds and contract other debt.

Section 58-24-10 NMSA 1978: all projects and facilities are subject to any applicable master plan, official map, zoning regulation, building code, ordinance and other laws and regulations governing land use or planning or construction of the municipality or county in which the project or facility is or is to be located.

Duplication, Similarity or Connection with Other Agencies: Other instrumentalities.

Category: Instrumentalities

Lottery Authority, New Mexico

Statutory Reference: Section 6-24-5 NMSA 1978 (New Mexico Lottery Act).

Organizational Status: A public body, politic and corporate, separate and apart from the state, constituting a governmental instrumentality for the purpose of establishing and conducting the New Mexico state lottery to provide revenues for the public purposes designated by the New Mexico Lottery Act.

The legislature oversees the authority through the Legislative Finance Committee.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes

Sunset? No

Funding: Not a General Fund agency. Members are paid expenses incurred in the conduct of authority business as allowed and approved by the authority in accordance with policies adopted by the board of directors of the authority.

Membership: The authority is governed by a seven-member board of directors composed of residents of New Mexico appointed by the governor, with the advice and consent of the senate, who are prominent persons in their businesses or professions and who shall be appointed so as to provide equitable geographical representation. No more than four members of the board shall be from any one political party. The governor shall consider appointing at least one member who has at least five years' experience as a law enforcement officer, at least one member who is an attorney admitted to practice in New Mexico and at least one member who is a certified public accountant certified in New Mexico. Members serve staggered five-year terms and are eligible for reappointment. The board selects the chair annually, and the chair may be selected for successive years. Members may be removed by the governor for malfeasance, misfeasance or willful neglect of duty.

Other: The board has subpoena power.

Powers and Duties: Section 6-24-6 NMSA 1978: has all powers necessary or convenient to carry out and effectuate the purposes and provisions of the act that are not in conflict with the Constitution of New Mexico and that are generally exercised by corporations engaged in entrepreneurial pursuits, including to: hold copyrights, trademarks and service marks and enforce its rights with respect thereto; initiate, supervise and administer the operation of the lottery in accordance with the provisions of the act and its rules, policies and procedures; enter into written agreements or contracts for the operation, participation in or marketing or promotion

of a joint lottery or joint lottery games with operators of a lottery in one or more other states, in a territory of the United States, in one or more political subdivisions of another state or territory of the United States, in a sovereign nation or in an Indian nation, tribe or pueblo located within the United States or legally operated outside of the United States; incur debt and borrow money; appoint and prescribe the duties of officers, agents and employees of the authority, including professional and administrative staff and personnel, and fix their compensation, pay their expenses and provide a benefit program, including a retirement plan and a group insurance plan; select and contract with lottery vendors and lottery retailers; enter into contracts or agreements with state, local or federal law enforcement agencies or private investigators or other persons for the performance of law enforcement, background investigations and security checks; establish and maintain banking relationships, including establishment of checking and savings accounts and lines of credit; and act as a lottery retailer, conduct promotions that involve the dispensing of lottery tickets and establish and operate a sales facility to sell lottery tickets and any related merchandise. In addition, the authority board provides the authority with the private-sector perspective of a large marketing enterprise and shall make every effort to exercise sound and prudent business judgment in its management and promotion of the lottery. It is the duty of the board to: adopt all rules, policies and procedures for the establishment and operation of the lottery; maximize the revenue for the public purposes of the act; appoint a chief executive officer, prescribe the chief executive officer's qualifications, duties and salary and set the salaries of the other officers and employees of the authority; approve, disapprove, amend or modify the annual budget recommended by the chief executive officer for the operation of the authority; approve or disapprove all procurements over $75,000; supervise the chief executive officer and the other officers and employees of the authority and meet with the chief executive officer at least once every three months to make and consider recommendations, set policies, determine types and forms of lottery games to be operated by the lottery and transact other necessary business; conduct, with the chief executive officer, a continuing study of the lottery and other state lotteries to improve the efficiency, profitability and security of the authority and the lottery; prepare quarterly and annual reports and maintain records as required under the act; pursue other matters necessary, desirable or convenient for the efficient and effective operation of lottery games, the continued entertainment and convenience of the public and the integrity of the lottery; and support problem gambling initiatives and provide information to players about where to obtain problem gambling assistance in New Mexico.

Duplication, Similarity or Connection with Other Agencies: Other instrumentalities.

Category: Instrumentalities

Mortgage Finance Authority, New Mexico

Statutory Reference: Section 58-18-4 NMSA 1978 (Mortgage Finance Authority Act).

Organizational Status: A public body politic and corporate, separate and apart from the state, constituting a governmental instrumentality for the performance of essential public functions.

The legislature oversees the activities of the authority through the Mortgage Finance Authority Act Oversight Committee.

The authority is not subject to the supervision or control of a board, bureau, department or agency of the state except as specifically provided in the Mortgage Finance Authority Act. To effectuate the separation of the state from the authority, the use of the terms "state agency" or "instrumentality" in any other law of the state shall not be deemed to refer to the authority unless the authority is specifically named.

The authority and its corporate existence shall continue until terminated by law; provided that no such law shall take effect so long as the authority has bonds or other obligations outstanding, unless adequate provision has been made for the payment of such obligations. Upon termination of the existence of the authority, all its rights and properties in excess of its obligations shall pass to and be vested in the state.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No, although the authority serves as the state housing authority.

Senate Confirmation? Yes, for public members.

Sunset? No

Funding: Not a state agency; however, the legislature does appropriate for some authority purposes, notably weatherization and housing, and those appropriations go to the Department of Finance and Administration. The Department of Finance and Administration and the authority have statutory authority to enter into joint powers agreements.

Members, officers and employees are allowed expenses if approved by the authority in accordance with policies adopted by the authority and approved by the Mortgage Finance Authority Act Oversight Committee.

Membership: Section 58-18-4 NMSA 1978: seven members as follows: lieutenant governor, state treasurer and attorney general as ex-officio members; and four members appointed by the governor with the advice and consent of the senate who are residents of the state and do not hold other public office. Appointed members serve staggered four-year terms and are eligible for reappointment; they may be removed by the governor for misfeasance, malfeasance or willful

neglect of duty. The governor designates the chair, who serves as such for the term of the member. The authority annually elects one of its members as vice chair. The authority also elects or appoints and prescribes the duties of other officers, who need not be members, including an executive director and a secretary, who may be the same person. The authority fixes the compensation of officers. Officers and employees of the authority are not subject to the Personnel Act. The authority may delegate to one or more of its members, officers, employees or agents the powers and duties it deems proper.

Powers and Duties: Section 58-18-5 NMSA 1978: has all the powers necessary or convenient to carry out and effectuate the purposes and provisions of the Mortgage Finance Authority Act, including to acquire, hold, improve, mortgage, lease and dispose of real and personal property for its public purposes; to make loans, and contract to make loans, to mortgage lenders; to purchase, and contract to purchase, mortgage loans from mortgage lenders; to fix, revise from time to time, charge and collect fees and other charges in connection with the making of mortgage loans, the purchasing of mortgage loans and any other services rendered by the authority; to borrow money and to issue bonds and notes that may be negotiable and to provide for the rights of the holders thereof; subject to any agreement with bondholders or noteholders, to invest money of the authority not required for immediate use, including proceeds from the sale of any bonds or notes: (1) in obligations of any municipality or the state or the United States; (2) in obligations the principal and interest of which are guaranteed by the state or the United States; (3) in obligations of any corporation wholly owned by the United States; (4) in obligations of any corporation sponsored by the United States that are or may become eligible as collateral for advances to member banks as determined by the board of governors of the federal reserve system; (5) in certificates of deposit or time deposits in banks qualified to do business in New Mexico, secured in the manner, if any, as the authority shall determine; (6) in contracts for the purchase and sale of obligations of the types previously specified; or (7) as otherwise provided in any trust indenture or a resolution authorizing the issuance of the bonds or notes; to act as trustee and administer the Land Title Trust Fund created pursuant to Section 58-28-3 NMSA 1978; to act as trustee and administrator pursuant to the Low-Income Housing Trust Act; to act as trustee and statewide administrator of the New Mexico Housing Trust Fund pursuant to, and to receive funds under, the New Mexico Housing Trust Fund Act; and to act as a governmental entity or a qualifying grantee or as an intermediary for a governmental entity or a qualifying grantee pursuant to the Affordable Housing Act.

Section 58-18-5.5 NMSA 1978: designated as the state housing authority for all purposes. The authority shall: make application for federal housing funds and programs; administer federal and state housing programs and federal tax credit provisions associated with those programs; receive and expend funds pursuant to applicable federal housing laws, federal housing regulations, the provisions of the Mortgage Finance Authority Act and regulations adopted pursuant to that act; and administer the following housing programs that were previously transferred to it by executive order, the provisions of which are ratified: (1) the federal HOME Program; (2) the federal Low-Income Housing Tax Credit Program; (3) the federal Emergency Shelter Grants Program; (4) the state homeless program; (5) federal and state weatherization programs and that part of the Low Income Home Energy Assistance Program authorized for weatherization; and (6) state safe water programs. The authority assists with technical consultation in connection with housing components of the community service block grant and community development block grant programs that are administered by the Human Services

Department [Health Care Authority] and the Department of Finance and Administration, respectively, and shall not receive direct appropriations of state funds from the legislature. If a program for which the authority is granted the power and has the duty to administer involves the appropriation or expenditure of state funds, the authority is granted specific power to enter into a joint powers agreement with the Department of Finance and Administration pursuant to the Joint Powers Agreements Act.

Section 58-18-5.6 NMSA 1978: shall appoint a representative to both the Behavioral Health Planning Council and the Interagency Behavioral Health Purchasing Collaborative; and ensure that any behavioral health services, including mental health and substance abuse services, and any housing for consumers of those services that are provided, contracted for or approved by the authority are in compliance with requirements of Section 9-7-6.4 NMSA 1978.

Duplication, Similarity or Connection with Other Agencies: Other instrumentalities and regional housing authorities.

Category: Instrumentalities

Renewable Energy Transmission Authority, New Mexico

Statutory Reference: Section 62-16A-3 NMSA 1978 (New Mexico Renewable Energy Transmission Authority Act).

Organizational Status: A public body, politic and corporate, separate and apart from the state, constituting a governmental instrumentality for the performance of essential public functions.

The legislature oversees the authority through the New Mexico Finance Authority Oversight Committee.

The authority is not subject to the supervision or control of any other board, bureau, department or agency of the state except as specifically provided in the act. No use of the terms "state agency" or "instrumentality" in any other law of the state shall be deemed to refer to the authority unless the authority is specifically referred to in the law. The authority is a governmental instrumentality for purposes of the Tort Claims Act.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes, for public members appointed by the governor.

Sunset? No

Funding: Not a state agency. Public members shall be reimbursed for actual and necessary expenses at the same rate and on the same basis as provided for public officers in the Per Diem and Mileage Act.

Membership: Six members as follows: three members appointed by the governor with the advice and consent of the senate for three-year staggered terms; the state treasurer or designee; one member appointed by the speaker of the house of representatives who serves at the pleasure of the speaker; and one member appointed by the president pro tempore of the senate who serves at the pleasure of the president pro tempore. The qualifications of the appointed members shall be as follows: one member appointed by the governor shall have expertise in financial matters involving the financing of major electrical transmission projects; and the other four appointed members shall have special knowledge of the public utility industry as evidenced by college degrees or by experience, at least five years of which shall be with the public utility industry, and knowledge of renewable energy development. No member shall represent a person that owns or operates facilities. The members initially appointed by the speaker and the president pro tempore serve staggered four-year terms. The secretary of energy, minerals and natural resources serves as an ex-officio nonvoting member of the authority. The governor designates the chair, and the authority elects other officers annually. The authority meets at the call of the chair or whenever four members request a meeting in writing. A majority of members then

serving constitutes a quorum for the transaction of business, but the affirmative vote of at least four members is necessary for any action to be taken by the authority.

Powers and Duties: Section 62-16A-4 NMSA 1978: does any and all things necessary or proper to accomplish the purposes of the New Mexico Renewable Energy Transmission Authority Act. The authority may: finance or plan, acquire, maintain and operate eligible facilities necessary or useful for the accomplishment of the purposes of the New Mexico Renewable Energy Transmission Authority Act; pursuant to the provisions of the Eminent Domain Code, exercise the power of eminent domain for acquiring property or rights of way for public use if needed for projects if such action does not involve taking utility property or does not materially diminish electric service reliability of the transmission system in New Mexico, as determined by the Public Regulation Commission; issue bonds; enter into contracts for the lease and operation by the authority of eligible facilities owned by a public utility or other private person; enter into contracts for leasing eligible facilities owned by the authority, provided that any revenue derived pursuant to the lease shall be deposited in the Renewable Energy Transmission Bonding Fund; collect payments of reasonable rates, fees, interest or other charges from persons using eligible facilities to finance eligible facilities and for other services rendered by the authority, provided that any revenue derived from payments made to the authority shall be deposited in the Renewable Energy Transmission Bonding Fund; and borrow money necessary to carry out the purposes of the New Mexico Renewable Energy Transmission Authority Act and mortgage and pledge any leases, loans or contracts executed and delivered by the authority. Except as otherwise provided, the authority shall not enter into any project if public utilities or other private persons are performing the acts, are constructing or have constructed the facilities or are providing the services contemplated by the authority and are willing to provide funds for and own new infrastructure to meet an identified need and market.

Other: The authority has eminent domain power.

The authority and any eligible facilities acquired by the authority are not subject to the supervision, regulation, control or jurisdiction of the Public Regulation Commission; provided that nothing shall be interpreted to allow a public utility to include the cost of using eligible facilities in its rate base without the approval of the Public Regulation Commission.

The authority shall not own or control facilities unless: (1) the facilities are leased to or held for lease or sale to a public utility or such other person approved by the Public Regulation Commission; (2) the operation, maintenance and use of the facilities are vested by lease or other contract in a public utility or such other person approved by the Public Regulation Commission; (3) the facilities are owned or controlled for a period of not more than 180 days after termination of a lease or contract or after the authority gains possession of the facilities following a breach of such a lease or contract or as a result of bankruptcy proceedings; or (4) the facilities do not affect in-state retail rates or electric service reliability.

Duplication, Similarity or Connection with Other Agencies: Other instrumentalities.

Category: Military Affairs

Armory Board, State

Statutory Reference: Section 20-8-1 NMSA 1978.

Organizational Status: Unclear. Section 20-3-2 NMSA 1978 provides that the board is a subordinate support agency of the Department of Military Affairs; Section 20-8-1 NMSA 1978 creates the board as a body corporate. The general appropriation act has the board as a separate agency.

Policy or Advisory? Policy; the board has the power to expend money.

Rulemaking Authority? Unspecified; the adjutant general prescribes and issues rules that the adjutant general and the board deem appropriate for operations of the armories and for the exercise of powers.

Federal Mandate? None reported.

Senate Confirmation? No

Sunset? No

Funding: General appropriation act; statutory per diem and mileage.

Membership: The adjutant general is chair; other members include the director of the State Programs Office of the Department of Military Affairs, who is the executive director; one commissioned officer of the [New Mexico] Army National Guard; command sergeant major of the [New Mexico] Army National Guard; and three members-at-large who are not members of the [New Mexico] Army National Guard. The adjutant general makes discretionary appointments, with the concurrence of the governor, for two-year terms.

Powers and Duties: Section 20-8-3 NMSA 1978: acts on behalf of the state in the exercise of its powers and duties; holds title to armories on behalf of the state; employs personnel; has control and supervision over the acquisition, construction, replacement, repair, alteration, improvement, furnishing, equipping, maintenance and operation of all armories and all money for those purposes; acquires property for military purposes; borrows money; enters into contracts; sells or exchanges armory property or donates it to the state, county or municipality; guides, directs and supervises local armory boards, the Armory Board Council and the State Armory Board Fund; delegates power to local armory boards; regulates and audits armory rentals; submits an annual report to the governor; and meets quarterly or at the call of the adjutant general.

Section 20-8-6 NMSA 1978: the board may issue bonds.

Duplication, Similarity or Connection with Other Agencies: Department of Military Affairs.

Category: Military Affairs

Armory Board Council

Statutory Reference: Subsection D of Section 20-8-2 NMSA 1978.

Organizational Status: Unspecified

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? None reported.

Senate Confirmation? No

Sunset? No

Funding: No direct appropriation; per diem and mileage not statutory.

Membership: Chairs of all local armory boards and members of the State Armory Board; chaired by the adjutant general; and convened semiannually by call of the State Armory Board.

Powers and Duties: Section 20-8-2 NMSA 1978: aids and advises the State Armory Board in the formation of its rules and policies.

Duplication, Similarity or Connection with Other Agencies: State Armory Board; Department of Military Affairs.

Category: Military Affairs

Awards Boards

Statutory Reference: Section 20-10-2 NMSA 1978.

Organizational Status: Unspecified

Policy or Advisory? Unspecified; presumably advisory.

Rulemaking Authority? No

Federal Mandate? None reported.

Senate Confirmation? No

Sunset? No

Funding: No

Membership: The adjutant general appoints members for the [New Mexico] Army National Guard and the [New Mexico] Air National Guard; meets no less than quarterly.

Other: Functions are performed by military personnel with no per diem and mileage paid by the state.

Powers and Duties: Section 20-10-2 NMSA 1978: reviews recommendations for state and federal awards and decorations submitted by the respective unit commanders and others.

Duplication, Similarity or Connection with Other Agencies: The adjutant general has the ability to delegate award authority to battalion commanders, group commanders or the equivalent of the national guard for those awards.

Category: Military Affairs

Military Base Planning Commission

Statutory Reference: Section 9-15-49 NMSA 1978.

Organizational Status: Administratively attached to the Economic Development Department; administrative services are provided by the department.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? Yes, but see membership below.

Sunset? No

Funding: Indirect through the department; statutory per diem and mileage.

Membership: Twelve members, eleven of whom are appointed by the governor with the advice and consent of the senate. Members include the lieutenant governor and nine appropriate representatives from counties in which military bases are located or adjoining counties. Two at-large members shall be appointed from other counties. The governor appoints the chair. The commission meets at the call of the chair, but not less than quarterly. The commission is staffed by the Office of Military Base Planning and Support.

Other: The commission may hold meetings that are closed to the public. Certain information developed or obtained by the commission is confidential.

Powers and Duties: Section 9-15-50 NMSA 1978: obtains and evaluates information about the federal government's considerations, plans, policies and initiatives relating to base realignment and closure; obtains and evaluates information relating to the impact of federal military base realignment and closure plans on the state's economy and the military base area's local economy; works with and provides assistance to established community organizations that support long-term viability of the military bases in their areas; ensures collaboration among the community organizations; works with and provides assistance to the congressional delegation; and advises the governor on measures necessary to ensure the continued presence of military bases in the state.

Duplication, Similarity or Connection with Other Agencies: Economic Development Department.

Category: Military Affairs

Veterans Museum, Board of Trustees of the New Mexico

Statutory Reference: Section 18-17-4 NMSA 1978 (Veterans Museum Act).

Organizational Status: Policymaking board for the museum.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes

Sunset? No

Funding: Indirect through the Cultural Affairs Department; statutory per diem and mileage for appointed members.

Membership: Eleven voting members who are residents of the state serve staggered four-year terms. One voting member is the secretary of veterans' services or the secretary's designee; the other 10 voting members are appointed by the governor with consent of the senate. For those members, the governor shall appoint at least three members from each congressional district and give due consideration to the ethnic and geographic diversity of the state. No more than five members shall be from the same political party. At least five members shall be armed forces veterans, one each from the New Mexico National Guard; the United States Army; the United States Navy; the United States Air Force; and the United States Marine Corps. The governor designates the president of the board, who serves at the governor's pleasure. An appointed member failing to attend three consecutive meetings after receiving proper notice shall be recommended for removal. The governor may also remove any appointed member of the board for neglect of any duty required by law, for incompetency, for unprofessional conduct or for violating any provisions of the Veterans Museum Act. The secretary of cultural affairs is an ex-officio nonvoting member of the board.

Powers and Duties: Section 18-17-5 NMSA 1978: exercises trusteeship over the collections of the museum; accepts and holds title to all property for the museum's use; reviews annually the performance of the director and report its findings to the secretary; enters into agreements or contracts with private or public organizations, agencies or individuals for the purpose of obtaining real or personal property for the museum's use; authorizes the director to solicit and receive funds or property of any nature for the development of the museum, its collections and its programs; adopts rules to carry out the provisions of the act; and establishes policy, determines the mission and directs the development of the museum.

Duplication, Similarity or Connection with Other Agencies: Veterans Museum Division of the Cultural Affairs Department; Cultural Affairs Department.

Category: Professional and Occupational Boards and Commissions

Acupuncture and Oriental Medicine, Board of

Statutory Reference: Section 61-14A-7 NMSA 1978 (Acupuncture and Oriental Medicine Practice Act).

Organizational Status: Administratively attached to the Regulation and Licensing Department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: General appropriation act; other state funds = Board of Acupuncture and Oriental Medicine Fund; statutory per diem and mileage.

Membership: Seven members appointed by the governor for staggered three-year terms. Four members shall have been doctors of oriental medicine in New Mexico for at least five years and practicing for at least two years prior to their appointment. No more than two members shall be: owners of institutes offering educational programs in acupuncture and oriental medicine; a faculty member at an institute offering educational programs in acupuncture and oriental medicine; and a tutor in acupuncture and oriental medicine or an officer or director in a professional association of acupuncture and oriental medicine. Three members shall be appointed to represent the public and shall not have practiced acupuncture or oriental medicine; shall not be the owner, principal or director of an institute offering educational programs in acupuncture or oriental medicine; and shall have no financial interest in the profession regulated. Members shall not serve more than two consecutive terms. Three consecutive unexcused absences result in automatic recommendation for removal.

Other: The board has subpoena power.

Powers and Duties: Section 61-14A-8 NMSA 1978: enforces provisions of the Acupuncture and Oriental Medicine Practice Act; adopts rules; adopts a code of ethics; adopts and uses a seal; inspects institutions, tutorships and offices of licensees; provides for continuing education; issues investigative subpoenas; administers oaths; takes testimony; conducts hearings in regard to discipline of licensees; and grants, denies, renews, suspends or revokes licenses to practice acupuncture or oriental medicine.

Section 61-14A-8.1 NMSA 1978: issues certifications for expanded prescriptive authority.

Section 61-14A-4.1 NMSA 1978: certifies auricular detoxification specialists, who practice auricular acupuncture for the treatment of alcoholism, substance abuse or chemical dependency under the supervision of doctors of oriental medicine.

Other powers and duties: establishes fees; and provides for the examination of applicants.

Duplication, Similarity or Connection with Other Agencies: Other health-related boards.

Category: Professional and Occupational Boards and Commissions

Animal Sheltering Committee

Statutory Reference: Section 77-1B-3 NMSA 1978 (Animal Sheltering Act).

Organizational Status: Unspecified

Policy or Advisory? Advisory to the Board of Veterinary Medicine.

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes; July 1, 2029.

Funding: General appropriation act; other state funds = Animal Care and Facility Fund; statutory per diem and mileage.

Membership: Five members appointed by the governor for staggered four-year terms. Members are: one euthanasia agency employee with training and education in euthanasia; one veterinarian who has provided paid or unpaid services to an animal shelter; one representative from a nonprofit animal advocacy group; one member of the public; and a manager or director of a New Mexico facility that provides shelter to animals on a regular basis, provided that the manager or director selected is trained in animal shelter standards. No more than two committee members can be appointed from any one county. A simple majority constitutes a quorum.

Powers and Duties: Section 61-14-7.1 NMSA 1978: develops a voluntary statewide dog and cat spay and neuter program in conjunction with animal shelters and euthanasia agencies; develops criteria for individuals, nonprofit organizations, animal shelters and euthanasia agencies to receive assistance for dog and cat sterilization from the Animal Care and Facility Fund; and recommends to the Board of Veterinary Medicine the disbursement of money from the fund to qualifying individuals, nonprofit organizations, animal shelters and euthanasia agencies.

Duplication, Similarity or Connection with Other Agencies: Board of Veterinary Medicine.

Category: Professional and Occupational Boards and Commissions

Architects, Board of Examiners for

Statutory Reference: Section 61-15-3 NMSA 1978 (Architectural Act).

Organizational Status: Adjunct

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes; July 1, 2029.

Funding: General appropriation act; other state funds = Fund of the Board of Examiners for Architects; statutory per diem and mileage.

Membership: Seven members appointed by the governor for staggered three-year terms. Six members are architects and have at least 10 years or more experience in the profession and five years in responsible charge of architectural projects and be registered as architects in New Mexico for at least five years. One of the six members shall be from the public sector and not in private practice. One of the six members shall be in architectural education in an accredited college of architecture. The seventh member is a voting member, represents the public, is not licensed as an architect and does not have any financial interest in the occupation. Removal is for cause.

Powers and Duties: Section 61-15-4 NMSA 1978: may establish committees to carry out the provisions of the Architectural Act; subpoenas witnesses; administers oaths and takes testimony; prescribes professional and technical qualifications necessary for the practice of architecture in New Mexico; adopts and uses an official seal; licenses applicants; may adopt rules requiring continuing education as a condition of registration renewal; retains records and issues certificates for registration; may deny, review, suspend or revoke a registration to practice architecture; and may censure, fine, reprimand and place on probation and stipulation any architect in accordance with the Uniform Licensing Act. The board, in cooperation with the State Board of Licensure for Professional Engineers and Professional Surveyors and the Board of Landscape Architects, shall create a joint practice committee. The board may impose a civil penalty of up to $7,500 for engaging in the practice of architecture without being registered pursuant to the Architectural Act.

Section 61-15-5 NMSA 1978: keeps records; submits an annual report to the governor and a complete statement of the receipts, expenditures and names and addresses of registered architects; sets application, registration, renewal, examination and other fees; and may set criteria for training of intern architects.

Other: The board has subpoena power.

Duplication, Similarity or Connection with Other Agencies: Board of Landscape Architects; State Board of Licensure for Professional Engineers and Professional Surveyors.

Category: Professional and Occupational Boards and Commissions

Athletic Trainer Practice Board

Statutory Reference: Section 61-14D-7 NMSA 1978 (Athletic Trainer Practice Act).

Organizational Status: Administratively attached to the Regulation and Licensing Department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes; July 1, 2027.

Funding: General appropriation act; other state funds = Athletic Trainer Practice Board Fund; statutory per diem and mileage.

Membership: Five members appointed by the governor for three-year staggered terms. Members shall be United States citizens and shall have been residents of the state for at least three years prior to their appointment. Three members are licensed athletic trainers; one member is employed by a high school; and two members represent the public and have no financial interest in the occupation regulated. One public member is from any area north of Interstate 40, and the other is from any area south of Interstate 40. Members do not serve more than two consecutive terms. Three unexcused absences result in automatic recommendation for removal.

Powers and Duties: Section 61-14D-8 NMSA 1978: consults with the department in the administration of the act and the board.

Section 61-14D-9 NMSA 1978: the board shall: select and provide for the administration of examinations for licensure no less often than semiannually; establish passing scores for the examinations; determine eligibility for licensure; set fees for administrative services and licenses; and review license applications and recommend approval or disapproval. The board may adopt rules and a code of ethics; take disciplinary actions; conduct hearings upon charges relating to the discipline of licensees, including the denial, suspension or revocation of licenses; and require and establish criteria for continuing education.

Duplication, Similarity or Connection with Other Agencies: There is also a New Mexico Athletic Commission.

Category: Professional and Occupational Boards and Commissions

Barbers and Cosmetologists, Board of

Statutory Reference: Section 61-17A-6 NMSA 1978 (Barbers and Cosmetologists Act).

Organizational Status: Administratively attached to the Regulation and Licensing Department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes; July 1, 2035.

Funding: General appropriation act; other state funds = Barbers and Cosmetologists Fund; statutory per diem and mileage.

Membership: Seven members appointed by the governor for three-year terms, five of whom shall be licensed pursuant to the Barbers and Cosmetologists Act and shall have at least five years' practical experience in their respective occupations. Of those five, one member is a licensed barber, one member is a licensed hairstylist, two members are licensed cosmetologists and one member represents school owners. The remaining two members shall be public members. Neither the public members nor their spouses shall ever have been licensed pursuant to the provisions of the Barbers and Cosmetologists Act or similar prior legislation or have a financial interest in a school or establishment. Members serve not more than two consecutive terms. Three unexcused absences result in recommendation for removal.

Powers and Duties: Section 61-17A-7 NMSA 1978: adopts and files rules necessary to carry out the provisions of the act; establishes fees; provides for examinations, licensure and license renewals of licensure applicants; establishes standards and provides for examination, licensure and license renewal of manicurists-pedicurists, estheticians and electrologists; keeps records of its proceedings and a register of licensure applicants; provides for licensure of barbers, hairstylists, cosmetologists, manicurists-pedicurists, estheticians, electrologists, instructors, schools, enterprises and establishments; establishes administrative penalties and fines; creates and establishes standards and fees for special licenses; establishes guidelines for calculating tuition refunds; issues cease and desist orders to persons violating provisions of the act; and may establish continuing education requirements. Board members may inspect a school, enterprise or establishment for compliance with the act at any time during regular business hours.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: Professional and Occupational Boards and Commissions

Body Art Practitioners, Board of

Statutory Reference: Section 61-17B-15 NMSA 1978 (Body Art Safe Practices Act).

Organizational Status: Administratively attached to the Regulation and Licensing Department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes; July 1, 2027.

Funding: General appropriation act; other state funds = Body Art Practitioners Fund; statutory per diem and mileage; members receive no other compensation, perquisite or allowance.

Membership: Five members appointed by the governor, including four members licensed pursuant to the Body Art Safe Practices Act with at least five years' practical experience in their occupations, two of whom shall be operators and two of whom shall be body artists; and one public member who shall never have been licensed or have a financial interest in a body art establishment. Members serve three-year terms; provided that initial appointees serve staggered terms. Vacancies shall be filled in the manner of the original appointment. The board elects a chair and other officers as it deems necessary and meets not less than twice a year. A majority of members constitutes a quorum. Board members shall not serve more than two consecutive terms. A member who fails to attend three meetings shall be recommended for removal unless excused.

Powers and Duties: Section 61-17B-16 NMSA 1978: in conjunction with the Department of Health, promulgates rules to implement the Body Art Safe Practices Act; establishes fees and standards; provides for issuance of new and renewal operator and body artist licenses; adopts a seal; furnishes copies of rules and sanitation and sterilization requirements to each operator of a body art establishment; keeps a record of its proceedings; keeps a register of applicants for licensure and of licensed operators and body artists; issues cease and desist orders to persons who violate the rules or the act; may establish continuing education or other requirements for licensure; and may enter and inspect a body art establishment at any time during regular business hours.

Duplication, Similarity or Connection with Other Agencies: Regulation and Licensing Department; Department of Health.

Category: Professional and Occupational Boards and Commissions

Chiropractic Board

Statutory Reference: Section 61-4-3 NMSA 1978 (Chiropractic Physician Practice Act).

Organizational Status: Administratively attached to the Regulation and Licensing Department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes; July 1, 2027.

Funding: General appropriation act; other state funds = Chiropractic Fund; statutory per diem and mileage.

Membership: Six members appointed by the governor for staggered five-year terms. Four members shall have been engaged in chiropractic in New Mexico for at least five years. Two members shall represent the public and shall not have practiced chiropractic in any jurisdiction and have no interest in any school or college of chiropractic, medicine, surgery or osteopathy. Missing three consecutive meetings, either regular or special, results in automatic removal.

Powers and Duties: Section 61-4-3 NMSA 1978: adopts a seal; promulgates rules to implement and enforce the Chiropractic Physician Practice Act, including educational requirements for a chiropractic assistant; holds semiannual examinations; and requires continuing education.

Section 61-4-9.1 NMSA 1978: establishes an advanced practice certification registry.

Other: Issues licenses without examination; refuses, suspends or revokes licenses.

Duplication, Similarity or Connection with Other Agencies: Other health-related boards.

Category: Professional and Occupational Boards and Commissions

Counseling and Therapy Practice Board

Statutory Reference: Section 61-9A-7 NMSA 1978 (Counseling and Therapy Practice Act).

Organizational Status: Administratively attached to the Regulation and Licensing Department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes; July 1, 2027.

Funding: General appropriation act; other state funds = Counseling and Therapy Practice Board Fund; statutory per diem and mileage.

Membership: Seven members appointed by the governor for staggered four-year terms. Five members are professional members: a mental health counselor, a professional clinical mental health counselor, a marriage and family therapist, a professional art therapist and an alcohol and drug abuse counselor, who are licensed under the Counseling and Therapy Practice Act and who have engaged in a counselor and therapist practice for at least five years. Two members represent the public and shall not have been licensed or have practiced as counselors or therapist practitioners or in any other regulated mental health profession nor have any financial interest in the professions regulated. All members are required to be United States citizens and residents of New Mexico for at least five years who maintain New Mexico residency during their appointment. Members shall not serve more than two terms.

Powers and Duties: Section 61-9A-9 NMSA 1978: may: adopt rules to implement the Counseling and Therapy Practice Act; provide for semiannual examinations; establish passing scores; take disciplinary actions; require continuing education; resolve complaints; approve supervision and postgraduate experience; determine eligibility for licensure or registration; set fees; establish criteria for supervision and supervisory requirements; establish a code of conduct; establish standards; and establish committees for each respective profession, which committees recommend and periodically review a code of ethics, review license applications and recommend approval or disapproval, develop criteria for supervision and recommend rules.

Duplication, Similarity or Connection with Other Agencies: New Mexico Board of Psychologist Examiners.

Category: Professional and Occupational Boards and Commissions

Crane Operators Licensure Examining Council

Statutory Reference: Section 60-15-14 NMSA 1978 (Crane Operators Safety Act).

Organizational Status: Unspecified; council appointed by the superintendent of regulation and licensing.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: No direct appropriation; per diem and mileage not statutory.

Membership: At least five members, including at least one class I crane operator; one contractor (as defined by Section 60-13-3 NMSA 1978) who employs one or more crane operators; one representing organized labor; and two members of the public.

Powers and Duties: Section 60-15-14 NMSA 1978: reviews applications, qualifications and examinations of applicants for licensure as crane operators and recommends to the superintendent whether licensure should be granted based on an evaluation of the operating experience and competence of the applicants; reports findings and recommendations from the hearings to the superintendent; and proceeds according to rules adopted by the Regulation and Licensing Department.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: Professional and Occupational Boards and Commissions

Dental Health Care, New Mexico Board of

Statutory Reference: Section 61-5A-8 NMSA 1978 (Dental Health Care Act).

Organizational Status: Administratively attached to the Regulation and Licensing Department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: General appropriation act; other state funds = Board of Dental Health Care Fund; statutory per diem and mileage. Secretary-treasurer may be compensated at the discretion of the board.

Membership: Nine members to include: five dentists who are actively practicing in the state and have been licensed and practicing in the state for five years immediately prior to their appointments; two dental hygienists elected annually by those sitting on the New Mexico Dental Hygienists Committee; and two public members who are state residents and have no direct or indirect financial interest in the professions regulated by the act. The governor may appoint dentists from a list of names submitted by the New Mexico Dental Association, and there is one dentist from each dental and dental hygiene district. No more than one member may be employed or receive remuneration from a dental or dental hygiene educational institution. Members serve staggered five-year terms and serve until their successors have been appointed. Members are automatically removed for failing to attend three regular or special board or New Mexico Dental Hygienists Committee meetings unless excused for good cause. Members shall not serve more than two full terms. The board is required to meet at least four times annually, and no more than two meetings are public rules hearings. A simple majority constitutes a quorum; provided that at least two members are not dentists and three are dentists. Board officers are elected annually.

Powers and Duties: Section 61-5A-10 NMSA 1978: enforces and administers the Dental Health Care Act; adopts rules to regulate and license dentists and, through the New Mexico Dental Hygienists Committee, dental hygienists; examines and certifies dental assistants; regulates dental technicians; regulates the practice of dentistry, dental assisting and dental hygiene; regulates and licenses non-dentist owners; regulates and licenses expanded-functional dental auxiliaries and community dental health coordinators; adopts a seal; administers oaths; keeps records of meetings, receipts and disbursements; grants, denies, reviews, suspends and revokes licenses and certificates to practice; censures, reprimands, fines and places on probation license and certificate holders; maintains records of all licensees; makes available composite

reports of demographic, but not personal, data of licensees; hires staff as necessary; issues subpoenas; establishes ad hoc committees as necessary; pays per diem and mileage to ad hoc committees if deemed necessary; hires or contracts with investigators as needed; may sue or be sued; retains the services of an attorney for counsel and representation; creates and maintains a formulary of medications that a dental hygienist may prescribe, administer or dispense in consultation with the Board of Pharmacy; and establishes continuing education or competency requirements for license and certificate holders.

Section 61-5A-11 NMSA 1978: requires the board to ratify recommendations of the New Mexico Dental Hygienists Committee, unless the board specifically finds that a recommendation is beyond the committee's jurisdiction, has an undue financial impact on the board or is not supported by the record. The board is required to provide necessary expenditures incurred by the committee and the board in implementing ratified recommendations.

Section 61-5A-14.1 NMSA 1978: may issue a temporary public-service license to practice dentistry or dental hygiene.

Section 61-5A-22 NMSA 1978: establishes rules for dentists for administration of nitrous oxide analgesia, conscious sedation, deep sedation and general anesthesia.

Section 61-5A-24 NMSA 1978: may enjoin any individual from the unlicensed practice of dentistry.

Section 61-5B-4 NMSA 1978: authorizes the board to examine a dentist who the board has reasonable cause to believe is impaired according to the Impaired Dentists and Dental Hygienists Act and to deal with that dentist in accordance with the act.

Section 24-14C-3 NMSA 1978: supplies the Department of Health with data pertaining to licensed health care providers for inclusion in the state's health care workforce database.

Section 61-5A-25 NMSA 1978: protects members of the board or any ad hoc committees from liability, civil damages or criminal prosecution for any actions undertaken or performed within the proper functions of the board.

Duplication, Similarity or Connection with Other Agencies: New Mexico Dental Hygienists Committee; other health-related boards.

Category: Professional and Occupational Boards and Commissions

Dental Hygienists Committee, New Mexico

Statutory Reference: Section 61-5A-9 NMSA 1978 (Dental Health Care Act).

Organizational Status: Administratively attached to the Regulation and Licensing Department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: General appropriation act; other state funds = Board of Dental Health Care Fund; statutory per diem and mileage.

Membership: Nine members to include: five dental hygienists who are actively practicing in the state and have been licensed in and residents of the state for five years immediately prior to their appointments; and two dentists and two public members who are elected annually by those sitting on the New Mexico Board of Dental Health Care. The governor may appoint dental hygienists from a list of names submitted by the New Mexico Dental Hygienists' Association, and there shall be one dental hygienist from each dental and dental hygiene district. No more than one member may be employed by or receive remuneration from a dental or dental hygiene educational institution. Members serve staggered five-year terms and continue to serve until their successors have been appointed. Members are automatically removed for failing to attend three regular or special board or committee meetings unless excused for good cause. Members shall not serve more than two full terms. The board is required to meet at least four times annually, and no more than two meetings shall be public rules hearings. A simple majority constitutes a quorum; provided that at least two members are not dental hygienists and three are dental hygienists. Committee officers are elected annually.

Powers and Duties: Section 61-5A-10 NMSA 1978: enforces and administers the Dental Health Care Act; adopts rules to regulate and license dental hygienists; regulates the practice of dental hygiene; adopts a seal; administers oaths; issues subpoenas; keeps records of meetings, receipts and disbursements; grants, denies, reviews, suspends and revokes licenses of dental hygienists to practice; censures, reprimands, fines and places on probation licensed dental hygienists; maintains records of all licensees; establishes ad hoc committees as necessary; pays per diem and mileage to an ad hoc committee if deemed necessary; hires or contracts with investigators as needed; hires an attorney; and establishes continuing education or competency requirements for dental hygienists.

Section 61-5A-24 NMSA 1978: may enjoin any individual from the unlicensed practice of dental hygiene.

Section 61-5B-4 NMSA 1978: authorizes the committee to examine a dental hygienist who the committee has reasonable cause to believe is impaired according to the Impaired Dentists and Dental Hygienists Act and to deal with that dental hygienist in accordance with the act.

Section 61-5A-25 NMSA 1978: members of the committee or any ad hoc committees are protected from liability, civil damages or criminal prosecution for any actions undertaken or performed within the proper functions of the committee.

Duplication, Similarity or Connection with Other Agencies: New Mexico Board of Dental Health Care; other health-related boards.

Category: Professional and Occupational Boards and Commissions

Engineers and Professional Surveyors, State Board of Licensure for Professional

Statutory Reference: Section 61-23-5 NMSA 1978 (Engineering and Surveying Practice Act).

Organizational Status: Adjunct

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes; July 1, 2029.

Funding: General appropriation act; other state funds = Professional Engineers' and Surveyors' Fund; statutory per diem and mileage.

Membership: Five licensed professional engineers, at least one of whom is in engineering education; three licensed professional surveyors; and two public members appointed by the governor for staggered five-year terms. Professional members shall be citizens of the United States and residents of New Mexico and shall have been engaged in the lawful practice of engineering or surveying for at least 10 years, including responsible charge of engineering and surveying projects for at least five years and licensed in New Mexico. The engineering members may also be engaged in engineering education for at least 10 years, including responsible charge of engineering education for at least five years. The public members shall be citizens of the United States and residents of New Mexico and shall not have been licensed or be qualified for licensure as an engineer, surveyor, architect or landscape architect and have no significant financial interest in the professions regulated. Removal is for misconduct, incompetency, neglect of duty, malfeasance in office or any reason prescribed by law for removal of state officials. Members are not reappointed for at least two years after serving two consecutive terms. Missing three consecutive meetings results in automatic removal.

Other: The board may appoint a provisional member if the governor does not fill a vacancy within three months.

An Engineering Committee and a Surveying Committee are entrusted to implement all business of the act as it pertains to engineering or surveying. In the event of a lack of a quorum and at the request of a committee, other board members may be substituted for a nonattending member. Committee actions shall be reported to the board.

A Joint Engineering and Surveying Standing Committee of the board, composed of two members from the Professional Engineering Committee, the public member and the chair and

two members from the Professional Surveying Committee, the public member and the chair, has exclusive authority over practice disputes between engineers and surveyors to determine if any proposed rules of professional responsibility are exclusive to one of the practices.

The board has subpoena power.

Powers and Duties: Section 61-23-10 NMSA 1978: administers the Engineering and Surveying Practice Act; promulgates rules of professional responsibility that are not exclusive to either professional engineers or professional surveyors; issues subpoenas in disciplinary action against a licensee or a person practicing or offering to practice without licensure; administers oaths or affirmations; creates enforcement advisory committees; and creates a joint standing committee in conjunction with the Board of Examiners for Architects and the Board of Landscape Architects; and may promulgate rules in accordance with the State Rules Act that are reasonable for the proper performance of its duties and the regulation of its procedures, meeting records and examinations and the conduct of examinations. The board is the sole state agency with power to certify the qualifications of professional engineers and professional surveyors. The board promulgates rules of professional responsibility that are not exclusive to either practice.

Each professional committee promulgates rules of professional responsibility that are exclusive to the respective profession. The Joint Engineering and Surveying Standing Committee has exclusive authority over practice disputes. A determination of exclusive practice requires an affirmative vote by no fewer than three members of the joint committee.

Duplication, Similarity or Connection with Other Agencies: Board of Examiners for Architects and Board of Landscape Architects. The board itself may be duplicative of the engineering and surveying committees and standing committee.

Category: Professional and Occupational Boards and Commissions

Funeral Services, Board of

Statutory Reference: Section 61-32-5 NMSA 1978 (Funeral Services Act).

Organizational Status: Administratively attached to the Regulation and Licensing Department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes; July 1, 2029.

Funding: General appropriation act; other state funds = Funeral Services Fund; statutory per diem and mileage.

Membership: Six members appointed by the governor for four-year terms. Three members are funeral service practitioners who have been licensed in New Mexico for at least five years; one member is a direct disposer or health care practitioner from the Office of the State Medical Investigator and has been licensed in New Mexico for at least five years; and two members represent the public and shall not have been licensed for the practice of funeral service or direct disposition in this state or any other jurisdiction and have never had any financial interest in any funeral, commercial or direct disposition establishment or crematory. Members serve no more than two full consecutive terms. Three unexcused absences result in recommendation for removal.

Powers and Duties: Section 61-32-6 NMSA 1978: adopts rules necessary to carry out the provisions of the Funeral Services Act; requires continuing education; conducts disciplinary hearings; takes administrative actions; establishes reasonable fees; investigates violations; establishes committees; applies for injunctive relief; and conducts criminal background checks on applicants for licensure.

Section 61-32-7 NMSA 1978: administers the provisions of the act; provides for examination, licensing and renewal of applicants and licensees; and provides for the inspection of establishments and crematories.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: Professional and Occupational Boards and Commissions

Home Inspectors Board, New Mexico

Statutory Reference: Section 61-24D-3 NMSA 1978 (Home Inspector Licensing Act).

Organizational Status: Administratively attached to the Regulation and Licensing Department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Statutory per diem and mileage; members shall receive no other compensation.

Membership: Five members appointed for staggered, five-year terms by the governor who have lived in the state for at least three consecutive years immediately prior to appointment. Three members shall be home inspectors. One member shall be a licensed real estate qualifying or associate broker. One member shall be a member of the public who has never been a licensed home inspector or real estate broker. No more than one member may be a resident of any one county in the state. After the board is initially established, member replacements shall be licensees.

Powers and Duties: Section 61-24D-3 NMSA 1978: adopts rules and procedures; adopts and publishes a code of ethics and standards of practice; issues, renews, suspends, modifies or revokes licenses to home inspectors; establishes standards for training, experience and continuing education requirements; establishes and administers fees; adopts a licensing examination; conducts background checks; and maintains contact information of persons whose licenses have been revoked or suspended.

Duplication, Similarity or Connection with Other Agencies: Regulation and Licensing Department.

Category: Professional and Occupational Boards and Commissions

Landscape Architects, Board of

Statutory Reference: Section 61-24B-6 NMSA 1978 (Landscape Architects Act).

Organizational Status: Administratively attached to the Regulation and Licensing Department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes; July 1, 2035.

Funding: General appropriation act; other state funds = Landscape Architects Fund; statutory per diem and mileage.

Membership: Five members appointed by the governor for staggered three-year terms. Three members shall have been registered landscape architects for at least five years; and two public members represent the public and shall not have been licensed as landscape architects or have any significant financial interest in the occupation regulated. Professional members are appointed from lists submitted to the governor by the New Mexico chapter of the American Society of Landscape Architects. The governor may remove members for neglect of duty, incompetence, improper or unprofessional conduct or any reason that would justify suspension or revocation of licensure. Members shall not serve more than two consecutive terms. Three unexcused absences result in automatic removal.

Powers and Duties: Section 61-24B-7 NMSA 1978: promulgates rules to effectuate the Landscape Architects Act; provides for the examination, registration and re-registration of all applicants; adopts and uses a seal; administers oaths and takes testimony on matters within the board's jurisdiction; sets fees; and grants, denies, renews, suspends or revokes certificates of registration and landscape architects-in-training certificates.

Section 61-15-4 NMSA 1978: in cooperation with the Board of Examiners for Architects and State Board of Licensure for Professional Engineers and Professional Surveyors, shall create a joint standing committee to be known as the "Joint Practice Committee".

Duplication, Similarity or Connection with Other Agencies: Board of Examiners for Architects; State Board of Licensure for Professional Engineers and Professional Surveyors.

Category: Professional and Occupational Boards and Commissions

Massage Therapy Board

Statutory Reference: Section 61-12C-7 NMSA 1978 (Massage Therapy Practice Act).

Organizational Status: Administratively attached to the Regulation and Licensing Department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes; July 1, 2027.

Funding: General appropriation act; other state funds = Massage Therapy Fund; statutory per diem and mileage.

Membership: Five members appointed by the governor for staggered four-year terms. Three members are massage therapists, each with at least five years of massage therapy practice and who are actively engaged in the practice during their tenure. Two members are public members who have not been licensed and have no financial interest in the profession of massage therapy. Members serve not more than two consecutive terms. Three unexcused absences result in automatic recommendation for removal.

Powers and Duties: Section 61-12C-8 NMSA 1978: adopts rules to carry out the Massage Therapy Practice Act; inspects businesses; establishes minimum training and educational standards for licensure; adopts an annual budget and a code for professional conduct; investigates complaints against licensees; brings actions for injunctive relief; issues cease and desist orders; and publishes lists of licensed massage therapists, registered massage therapy instructors and registered massage therapy schools.

Other powers and duties: issues licenses by credentials.

Duplication, Similarity or Connection with Other Agencies: Other health-related boards.

Category: Professional and Occupational Boards and Commissions

Medical Board, New Mexico

Statutory Reference: Section 61-6-2 NMSA 1978 (Medical Practice Act).

Organizational Status: Adjunct

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: General appropriation act; other state funds = New Mexico Medical Board Fund; statutory per diem and mileage.

Membership: Eleven members appointed by the governor for staggered four-year terms composed of: two public members who have not been licensed by the board as a health care practitioner and have no significant financial interest, direct or indirect, in the occupation regulated; one physician assistant who has been a licensed physician assistant and a resident of New Mexico for at least five years immediately preceding the date of appointment; and eight reputable physicians, at least two of whom shall be osteopathic physicians and at least two of whom shall be medical physicians of known ability who are graduates of medical colleges or schools in good standing and shall have been licensed physicians in and bona fide residents of New Mexico for a period of five years immediately preceding the date of their appointment. Physician members are appointed from a list of five names submitted by the New Mexico Medical Society; osteopathic physician members are appointed from a list of five names submitted by the New Mexico Osteopathic Medical Association or its authorized governing body or council; and the physician assistant member is appointed from a list of five names submitted to the governor by the New Mexico Academy of Physician Assistants or its authorized governing body or council. Three consecutive unexcused absences result in automatic removal.

Other: Secretary-treasurer and board members interviewing applicants may be compensated.

The board has subpoena power. Communications regarding disciplinary action are confidential communications.

Powers and Duties: Section 61-6-5 NMSA 1978: enforces and administers the provisions of the Medical Practice Act, the Physician Assistant Act, the Anesthesiologist Assistants Act, the Genetic Counseling Act, the Impaired Health Care Provider Act, the Polysomnography Practice Act, the Naturopathic Doctors' Practice Act, the Podiatry Act and the Naprapathic Practice Act; adopts and uses a seal; administers oaths to all applicants, witnesses and others appearing before the board; takes testimony on matters within the board's jurisdiction; keeps an accurate record of

meetings, receipts and disbursements; keeps records of examinations and licensees, including records of renewals, suspensions, revocations, probations, stipulations, censures, reprimands and fines; hires staff; contracts with investigators to investigate possible violations; hires a competent attorney; establishes continuing education requirements for licensed practitioners over which the board has authority; establishes and maintains rules related to pain management; hires or contracts a licensed physician to serve as medical director; waives licensure fees for the purpose of the recruitment and retention of health care practitioners over which the board has authority; and establishes committees.

Other powers: licenses medical physicians, osteopathic physicians, physician assistants, anesthesiologist assistants, polysomnographic technologists, naturopathic doctors, podiatric physicians and naprapaths; licenses by endorsement; and issues subpoenas.

Section 61-6A-6 NMSA 1978: grants licenses and enforces the Genetic Counseling Act.

Section 61-6B-5 NMSA 1978: grants licenses and enforces the Polysomnography Practice Act.

Section 61-6B-8 NMSA 1978: appoints members to the Polysomnography Practice Advisory Committee.

Section 24-14C-3 NMSA 1978: supplies the Department of Health with data pertaining to licensed health care providers for inclusion in the health care workforce database.

Duplication, Similarity or Connection with Other Agencies: Other health-related boards.

Category: Professional and Occupational Boards and Commissions

Medical Imaging and Radiation Therapy Advisory Council

Statutory Reference: Section 61-14E-5.1 NMSA 1978 (Medical Imaging and Radiation Therapy Health and Safety Act).

Organizational Status: Attached to the Department of Environment; advisory to the Environmental Improvement Board.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: General appropriation act; Radiologic Technology Fund = license fees; money in the fund is appropriated to the department; statutory per diem and mileage.

Membership: Eleven members appointed by the governor, after consultation with the secretary of environmental and professional organizations representing medical imaging and radiation therapy, for three-year staggered terms. Six members are medical imaging professionals licensed by the department and representing each medical imaging modality defined under the act, including one licensed radiographer and one licensed radiologist assistant. One member holds a certificate of limited practice in radiography. Three members are licensed physicians, each of whom represents a different medical specialty, only one of whom shall be a radiologist and at least one of whom shall be from a rural area. The final member represents the general public and is not licensed by the department or is not a relative of anyone licensed by the department. Members shall serve no more than two consecutive terms. Three consecutive unexcused absences result in automatic removal.

Powers and Duties: Section 61-14E-5 NMSA 1978: provides advice and recommendations to the Environmental Improvement Board regarding implementation of the act, including the promulgation of rules, licensure standards and continuing education requirements; and advises the board of the standards of practice for medical imaging and radiation therapy.

Section 61-14E-5.1 NMSA 1978: may create an ad hoc disciplinary review committee to consider medical matters and make recommendations to the council.

Duplication, Similarity or Connection with Other Agencies: Other health-related boards; Environmental Improvement Board.

Category: Professional and Occupational Boards and Commissions

Nursing, Board of

Statutory Reference: Section 61-3-8 NMSA 1978 (Nursing Practice Act).

Organizational Status: Adjunct

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: General appropriation act; other state funds = Board of Nursing Fund; statutory per diem and mileage.

Membership: Seven members appointed by the governor for staggered four-year terms, who shall be state residents. Four members are licensed nurses, one preferably a licensed practical nurse; three represent the public and shall not have been licensed as registered or licensed practical nurses or have any significant financial interest in the practice regulated. No more than two board members are appointed from any one county; and no more than two registered nurses are from any one field of nursing. Registered nurses are licensed in the state and have at least five years' experience in nursing, are currently engaged in professional nursing and have been actively engaged in professional nursing for at least three years immediately preceding appointment or reappointment. Members serve not more than two full or partial terms, consecutive or otherwise. Failure to attend 70% of meeting days annually, regular or special, results in automatic removal.

Other: Executive director or designee is a Nurse Licensure Compact administrator.

Powers and Duties: Section 61-3-10 NMSA 1978: adopts and revises rules; prescribes standards and approves curricula and surveys for educational programs and licensure; grants, denies or withdraws approval from educational programs for failure to meet prescribed standards; examines, licenses and renews licenses; conducts discipline and licensure denial, suspension or revocation hearings; prosecutes violators of the Nursing Practice Act; keeps records; makes an annual report to the governor; appoints a qualified registered nurse as director and other staff; requires continuing education as a condition of license renewal and studies methods of monitoring continuing competence; may appoint advisory committees; may provide for an inactive nurses list; licenses qualified certified nurse practitioners, certified registered nurse anesthetists, certified clinical nurse specialists and registered nurses not licensed in New Mexico practicing pursuant to multistate licensing privileges; establishes standards for prescriptive authority to certified nurse practitioners, certified clinical nurse specialists and certified registered nurse anesthetists; determines by rule the states, territories and foreign

countries from which it will accept and will not accept an applicant for expedited licensure; creates a retired registered nurse license category without a licensing fee for such nurses who can serve on certain boards; ensures that New Mexico nursing data collected by the board is owned by the board; and establishes standards for the use of artificial intelligence in nursing. The board also sets licensure fees.

Section 61-3-10.1 NMSA 1978: certifies hemodialysis technicians, approves training programs and sets fees.

Section 61-3-10.2 NMSA 1978: certifies medication aides and training programs and sets fees.

Section 61-3-10.5 NMSA 1978: may establish a nursing excellence program and impose a license renewal surcharge to implement and maintain the program and to help fund loan repayment assistance for nurses in advanced practice in underserved areas.

Section 61-3-29.1 NMSA 1978: creates alternative to discipline programs to rehabilitate impaired nurses.

Section 24-14C-3 NMSA 1978: supplies the Department of Health with data pertaining to licensed health care providers for inclusion in the health care workforce database.

Duplication, Similarity or Connection with Other Agencies: Other health-related boards.

Category: Professional and Occupational Boards and Commissions

Nursing Home Administrators, Board of

Statutory Reference: Section 61-13-4 NMSA 1978 (Nursing Home Administrators Act).

Organizational Status: Administratively attached to the Regulation and Licensing Department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes; July 1, 2035.

Funding: General appropriation act; other state funds = special fund maintained by the state treasurer to defray expenses of administration of the Nursing Home Administrators Act; statutory per diem and mileage.

Membership: Seven members appointed by the governor for staggered three-year terms. Three members of the board are nursing home administrators licensed and practicing under the Nursing Home Administrators Act; one member is a practicing physician licensed in New Mexico; and three members are from the public who have no significant financial interest in the nursing home industry. Board members shall be United States citizens and state residents; not more than one member shall be an employee of a state or other public agency. Failure to attend three consecutive meetings, at least two of which are regular meetings, results in automatic removal.

Powers and Duties: Section 61-13-5 NMSA 1978: elects a chair annually and such officers as necessary; meets at least three times annually or as deemed appropriate and meets at the call of the chair or upon the call of any two board members; a majority of the board constitutes a quorum; and a board member is automatically removed for failing to attend three consecutive meetings, two of which are regular meetings.

Section 61-13-6 NMSA 1978: adopts and revises rules; approves applicants for licensure and renewal, reciprocity, reinstatement and reactivation; causes the prosecution or enjoinder of persons violating the act; submits an annual report; and maintains a register of licensees and applicants.

Other powers and duties: approves or establishes courses of study for initial applicants and continuing education; applies for injunctions; and charges fees.

Duplication, Similarity or Connection with Other Agencies: Other health-related boards.

Category: Professional and Occupational Boards and Commissions

Nutrition and Dietetics Practice Board

Statutory Reference: Section 61-7A-5 NMSA 1978 (Nutrition and Dietetics Practice Act).

Organizational Status: Administratively attached to the Regulation and Licensing Department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes; July 1, 2027.

Funding: General appropriation act; other state funds = Nutrition and Dietetics Fund; statutory per diem and mileage.

Membership: Five members appointed by the governor for staggered three-year terms. Three of the members are licensed dietitians or nutritionists with at least three years of nutrition or dietetics practice in New Mexico; and two members represent the public with no interest in the practice regulated. Members serve not more than two full terms. Three absences result in automatic removal. At least one dietitian and one nutritionist serve on the board at all times.

Powers and Duties: Section 61-7A-6 NMSA 1978: develops and administers examinations; evaluates qualifications of applicants; issues licenses; investigates persons or practices in violation of the Nutrition and Dietetics Practice Act; revokes, suspends or denies licenses; adopts an annual budget, code of ethics and rules; and may contract with the Regulation and Licensing Department for office space and administrative support.

Other powers and duties: licenses by credentials; establishes continuing education requirements; and charges fees.

Duplication, Similarity or Connection with Other Agencies: Other health-related boards.

Category: Professional and Occupational Boards and Commissions

Occupational Therapy, Board of Examiners for

Statutory Reference: Section 61-12A-8 NMSA 1978 (Occupational Therapy Act).

Organizational Status: Administratively attached to the Regulation and Licensing Department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes; July 1, 2027.

Funding: General appropriation act; other state funds = Board of Examiners for Occupational Therapy Fund; statutory per diem and mileage. Registrar may be reimbursed for expenses at the discretion of the board.

Membership: Five members appointed by the governor for staggered three-year terms. Three members have a minimum of five years' professional experience, two of which are in New Mexico. One professional member may be a certified occupational therapy assistant and one may be a retired registered occupational therapist or occupational therapy assistant. The two public members represent the public and shall have no direct interest in the occupation regulated; they also shall not be convicted felons, habitually intemperate, addicted to drugs or guilty of any violation of the Controlled Substances Act. All members shall have been residents of New Mexico for at least two years prior to their appointment. Members serve not more than two consecutive terms. Three unexcused absences result in a recommendation for removal.

Other: The board has subpoena power.

Powers and Duties: Section 61-12A-9 NMSA 1978: adopts rules; uses funds appropriately; adopts a code of ethics; enforces the provisions of the Occupational Therapy Act; establishes and collects fees; examines and licenses applicants; imposes and collects fines for violations; appoints a registrar; obtains legal assistance of the attorney general; hires or contracts with an attorney; may issue investigative subpoenas; may hire complaint investigators; may inspect establishments; and may designate hearing officers.

Section 61-12A-14 NMSA 1978: may issue licenses by endorsement.

Duplication, Similarity or Connection with Other Agencies: Physical Therapy Board.

Category: Professional and Occupational Boards and Commissions

Optometry, Board of

Statutory Reference: Section 61-2-5 NMSA 1978 (Optometry Act).

Organizational Status: Administratively attached to the Regulation and Licensing Department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: General appropriation act; other state funds = Optometry Fund; statutory per diem and mileage.

Membership: Six members appointed by the governor for staggered five-year terms. Four members have been residents of New Mexico for at least five years and have been continuously engaged in the practice of optometry, appointed from a list of five names for each vacancy from the state optometric association. The remaining two members represent the public and shall have no significant financial interest in the occupation regulated. Members may be removed for cause. Members serve not more than two consecutive terms. Three unexcused absences result in automatic removal. Geographic representation is needed among members; no more than one member per county. The board meets at least annually.

Powers and Duties: Section 61-2-6 NMSA 1978: determines what constitutes the practice of optometry in accordance with the Optometry Act and exercises any other powers and duties pursuant to that act; may issue advisory opinions and declaratory rulings but shall not expand the scope of practice of optometry beyond the provisions of that act; administers and enforces the act; adopts rules; adopts and uses a seal; administers oaths and takes testimony; keeps accurate records of meetings, receipts and disbursements, examinations and applicant information and a book of registration; grants, denies, renews, suspends or revokes licenses to practice optometry; develops and administers qualifications for certification for the use of pharmaceutical agents; and suspends an optometrist's license for the use of pharmaceutical agents without prior certification.

Section 61-2-10.2 NMSA 1978: certifies for use of pharmaceutical agents for the diagnosis and treatment of disease of the eye or adnexa, including controlled substances.

Other powers and duties: licenses by endorsement; and charges fees.

Duplication, Similarity or Connection with Other Agencies: Other health-related boards.

Category: Professional and Occupational Boards and Commissions

Pharmacy, Board of

Statutory Reference: Section 61-11-4 NMSA 1978 (Pharmacy Act).

Organizational Status: Administratively attached to the Regulation and Licensing Department.

Policy or Advisory? Adjunct

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: General appropriation act; other state funds = Pharmacy Fund; statutory per diem and mileage.

Membership: Nine members appointed by the governor for staggered five-year terms. Pharmacist members representing districts are selected from lists submitted by the state pharmaceutical association, with one member from each of the five pharmacy districts; they shall have been actively engaged in the pharmaceutical profession in New Mexico for at least three years immediately prior to appointment and have a minimum of eight years' practical experience. District pharmacist members reside in the pharmacy district from which they were appointed. One member is a pharmacist appointed at large from a list of the New Mexico Society of Health-System Pharmacists. Three members represent the public and shall have no significant financial interest in the occupation regulated. The governor may remove a member for cause. Board members serve not more than two full terms, consecutive or otherwise. Failure to attend three consecutive regular meetings results in automatic removal.

Powers and Duties: Section 61-11-6 NMSA 1978: adopts rules; examines applicants; licenses pharmacists and interns; licenses retail and nonresident pharmacies, wholesale drug distributors, drug manufacturers, hospital pharmacies, nursing home drug facilities, industrial and public health clinics and all places where dangerous drugs are stored, distributed, dispensed or administered; inspects facilities and activities; prescribes activities and duties of pharmacy owners and pharmacists; enforces laws pertaining to the practice of pharmacy and the manufacture, production, sale or distribution of drugs or cosmetics and their standards of strength and purity; conducts disciplinary hearings; denies, suspends or revokes a registration or license; keeps records; employs an executive director and defines the director's duties and responsibilities; registers and regulates qualifications, training and permissible activities of pharmacy technicians; adopts rules and protocols, after approval by the New Mexico Medical Board and the Board of Nursing, for prescribing dangerous drug therapy, including vaccines, immunizations and the appropriate notification of the primary or appropriate physician of the person receiving the dangerous drug therapy; and authorizes emergency prescription dispensing.

The board may delegate its authority to issue temporary licenses and authorize emergency prescription dispensing procedures during civil or public health emergencies to the executive director and provide by rule for the electronic transmission of prescriptions.

Section 61-11-6.1 NMSA 1978: may adopt rules providing for criminal background checks.

Section 61-11-9.1 NMSA 1978: may require surety bonds as security for payment of penalties.

Section 61-11A-3 NMSA 1978: may appoint a committee to organize and administer a program under the Impaired Pharmacists Act.

Section 61-11B-3 NMSA 1978: adopts rules to carry out the provisions of the Pharmacist Prescriptive Authority Act.

Section 24-14C-3 NMSA 1978: supplies the Department of Health with data pertaining to licensed health care providers for inclusion in the health care workforce database.

Section 26-1-3.2 NMSA 1978: promulgates rules to establish: (1) procedures to allow the donation and redistribution of certain prescription drugs; (2) standards and procedures for accepting, storing, labeling and redistributing donated prescription drugs; (3) standards and procedures for inspecting donated prescription drugs to determine that the packaging is tamper-evident and that the donated drugs are unadulterated, safe and suitable for redistribution; (4) a form to be signed by the recipient of donated drugs; (5) a form to be signed by the donor of the drugs; (6) a handling fee not to exceed $20.00; and (7) any other standards it deems necessary; and maintains and publishes a current listing of clinics and participating practitioners redistributing donated drugs.

Section 26-1-4 NMSA 1978: is authorized to apply to the district court for a temporary or permanent injunction restraining any person who violates provisions of the New Mexico Drug, Device and Cosmetic Act.

Section 26-1-6 NMSA 1978: an agent of the board who has probable cause to believe that any drug, device or cosmetic is adulterated, misbranded or counterfeit shall affix an appropriate marking, giving notice of those suspicions and that the drug, device or cosmetic has been embargoed. If a drug, device or cosmetic is determined no longer to be in violation, an agent of the board shall supervise the labeling or processing of the article prior to delivery to the claimant, which supervision is paid by the claimant.

Section 26-1-9 NMSA 1978: pursuant to the New Mexico Drug, Device and Cosmetic Act, may adopt regulations authorizing color additives; and adopts, amends or repeals regulations prescribing when a color additive can be used safely, if it is to be used solely for investigative or experimental purposes or upon petition of an interested party; provided that the party submits sufficient data to the board. The board may request additional data.

Section 26-1-11 NMSA 1978: promulgates regulations exempting drugs or devices from labeling or branding requirements; may consent to packaging modifications; determines if a drug could deteriorate unless packaged in a specific manner; and shall inform the appropriate body of the need for packaging or labeling requirements.

Section 26-1-12 NMSA 1978: authorizes the advertisement of self-administered drugs that, based on advances in medical science, are determined to have a curative or therapeutic effect for certain diseases.

Section 26-1-14 NMSA 1978: reviews applications to sell, deliver, offer for sale, hold for sale or give away new drugs not subject to the Federal Food, Drug, and Cosmetic Act.

Section 26-1-16 NMSA 1978: licenses manufacturers, wholesalers or distributors, or their agents or employees, to ship dangerous drugs into the state; and licenses distributors, wholesalers, hospitals, nursing homes, clinics, pharmacies or other retailers to sell, dispose of or possess dangerous drugs; and may adopt and promulgate regulations permitting the use of computer systems for storage and retrieval of prescriptions, receipt records and records of drug distribution, withdrawals from stock, compounding disposition and disposal.

Section 26-1-18 NMSA 1978: may promulgate regulations for the efficient enforcement of the New Mexico Drug, Device and Cosmetic Act; shall declare a substance a "dangerous drug" when necessary and notify all registered pharmacies in the state; shall promulgate the requirements for a pedigree; shall promulgate regulations in accordance with the Uniform Licensing Act.

Section 26-1-19 NMSA 1978: shall have free access at all reasonable hours to any factory, warehouse or establishment in which drugs, devices or cosmetics are manufactured, processed, packed or held and may enter any vehicle used to transport or hold such drugs, devices or cosmetics after paying or offering to pay for a sample; and shall examine, or cause to be examined, such samples to determine whether the New Mexico Drug, Device and Cosmetic Act has been violated.

Section 26-1-20 NMSA 1978: shall employ personnel to administer and enforce the provisions of the New Mexico Drug, Device and Cosmetic Act.

Section 26-1-21 NMSA 1978: may publish reports from time to time summarizing judgments, decrees and court orders; and may disseminate information regarding drugs, devices and cosmetics as it deems necessary for the public health and to protect the consumer against fraud.

Section 26-3-3 NMSA 1978: maintains a link on its website to the current lists of all biological products that the federal Food and Drug Administration has determined to be interchangeable biological products.

Section 28-17-9 NMSA 1978: shall endeavor to give priority to any complaint referred to it by the Office of the State Long-Term Ombudsman.

Section 30-31B-4 NMSA 1978: administers and enforces the Drug Precursor Act; may add substances to the list of precursors enumerated in that act; and promulgates regulations pursuant to the Uniform Licensing Act.

Section 30-31B-6 NMSA 1978: may promulgate rules and charge reasonable fees relating to licensing and control of the manufacture, possession, transfer and transportation of drug precursors; may waive the requirements for licensing of certain manufacturers if consistent with the public health and safety; and may inspect the establishments of licensees or applicants.

Section 30-31B-7 NMSA 1978: licenses applicants to manufacture, possess, transfer or transport drug precursors unless such licensing is inconsistent with the public interest.

Section 30-31B-8 NMSA 1978: as part of a special hearing panel, may revoke or suspend drug precursor licenses and place drug precursors owned or possessed by that licensee under seal; shall notify the Bureau of Narcotics and Dangerous Drugs of the United States Department of Justice or its successor agency of any such revocations or suspensions; and may apply for a court order to sell or destroy drug precursors under seal.

Section 30-31B-9 NMSA 1978: may suspend without a court order any drug precursor license if there is substantial and imminent danger to the public health or safety.

Section 61-2-6 NMSA 1978: pursuant to the Optometry Act, shall be provided by the Board of Optometry an annual list of optometrists certified to use pharmaceutical agents.

Duplication, Similarity or Connection with Other Agencies: Other health-related boards; however, the Board of Pharmacy has much broader functions than other licensing boards.

Category: Professional and Occupational Boards and Commissions

Physical Therapy Board

Statutory Reference: Section 61-12D-4 NMSA 1978 (Physical Therapy Act).

Organizational Status: Administratively attached to the Regulation and Licensing Department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes; July 1, 2027.

Funding: General appropriation act; other state funds = Physical Therapy Fund; statutory per diem and mileage.

Membership: Five members appointed by the governor for staggered three-year terms. Three members are physical therapists who are residents of the state, possess unrestricted licenses and have been practicing in New Mexico for at least five years. Two members are citizens appointed from the public who are not associated with or financially interested in any health care profession. Removal is for cause.

Powers and Duties: Section 61-12D-5 NMSA 1978: examines all applicants for licensure and issues licenses and permits; regulates the practice of physical therapy by interpreting and enforcing the provisions of the Physical Therapy Act, including taking disciplinary action; may adopt rules; may establish requirements for assessing continuing competency; may collect fees; provides for orientation and training of new board members; may establish ad hoc committees; may enter into contracts; publishes annual final disciplinary actions taken against any physical therapist or assistant; and may prescribe the forms of license certificates, application forms or other documents.

Other powers and duties: may charge fees and issue interim permits to foreign-trained applicants.

Duplication, Similarity or Connection with Other Agencies: Other health-related boards.

Category: Professional and Occupational Boards and Commissions

Podiatry Advisory Committee

Statutory Reference: Section 61-8-5 NMSA 1978 (Podiatry Act).

Organizational Status: Advisory to the New Mexico Medical Board.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Statutory per diem and mileage.

Membership: Three members, including one member who is the executive director of the New Mexico Podiatric Medical Association and who serves as an ex-officio member; and two members who are podiatric physicians licensed to practice in New Mexico who have been actively engaged in the practice of podiatry for at least three consecutive years immediately prior to appointment. Members are appointed by the New Mexico Medical Board from a list of names submitted to the board by the New Mexico Podiatric Medical Association or its authorized governing body or council. Committee members serve until their successors have been appointed and qualified. The committee meets at the request of the board.

Powers and Duties: Section 61-8-5 NMSA 1978: advises the New Mexico Medical Board regarding licensure of podiatric physicians and efforts to recruit and retain podiatric physicians for practice in the state.

Duplication, Similarity or Connection with Other Agencies: New Mexico Medical Board.

Category: Professional and Occupational Boards and Commissions

Polysomnography Practice Advisory Committee

Statutory Reference: Section 61-6B-8 NMSA 1978 (Polysomnography Practice Act).

Organizational Status: Advisory to the New Mexico Medical Board; board provides administrative and financial support to the committee.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Indirect through the New Mexico Medical Board; statutory per diem and mileage.

Membership: Five members who are residents of New Mexico, appointed by the New Mexico Medical Board for four-year staggered terms as follows: (1) two members who are credentialed by the national Board of Registered Polysomnographic Technologists; provided that when the New Mexico Medical Board begins issuing licenses, this category of committee members shall be three licensed polysomnographic technologists, with the then-sitting members in this category being given a reasonable amount of time to become licensed; (2) one licensed physician who is certified in sleep medicine by a national certifying body recognized by the American Academy of Sleep Medicine; (3) one person whose background is at the discretion of the board; and (4) one member of the public who is not economically or professionally associated with the health care field. Members shall serve no more than two terms, including an initial appointment term. The committee annually elects a chair and other officers. The committee meets at least twice per calendar year and otherwise as often as necessary to conduct business. The New Mexico Medical Board may remove a member for neglect of duties required by the Polysomnography Practice Act, malfeasance in office, incompetence or unprofessional conduct.

Powers and Duties: Section 61-6B-9 NMSA 1978: advises the board on: licensure, rulemaking, temporary permitting of polysomnographic technologists, approval of curricula and degree programs in polysomnography and other matters to ensure the training and licensing of competent polysomnographic technologists; minimum qualifications, hours of clinical experience and standards of care; maintenance of examination and treatment records; professional conduct, ethics and responsibility; disciplinary actions, including denying, suspending or revoking a license; providing information to polysomnographic technologists licensed in the state; inspections of licensees' business premises; investigation of complaints against licensees or persons holding themselves out as engaging in the practice of polysomnography; the process for reinstating licenses; criteria for accepting polysomnography credentials or licenses issued in other jurisdictions; criteria for advertising; and other matters necessary to implement the Polysomnography Practice Act.

Duplication, Similarity or Connection with Other Agencies: New Mexico Medical Board.

Category: Professional and Occupational Boards and Commissions

Private Investigations Advisory Board

Statutory Reference: Section 61-27B-6 NMSA 1978 (Private Investigations Act).

Organizational Status: Advisory to the Regulation and Licensing Department.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes; July 1, 2029.

Funding: General appropriation act; Private Investigations Fund = license and registration fees; money in fund is appropriated to the department; statutory per diem and mileage.

Membership: At least five members appointed by the superintendent of regulation and licensing as follows: one private investigator, one private patrol operator, one polygraph examiner and two members of the public who are not licensed pursuant to the Private Investigations Act or any prior similar statutory provisions and do not have a direct or indirect financial interest in a private investigation company, private patrol company, polygraph business or a related business.

Powers and Duties: Section 61-27B-6 NMSA 1978: assists in the conduct of the examination process for licensees and registrants; and assists the department in other matters as requested by the superintendent or provided for in rules of the department.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: Professional and Occupational Boards and Commissions

Psychologist Examiners, New Mexico State Board of

Statutory Reference: Section 61-9-5 NMSA 1978 (Professional Psychologist Act).

Organizational Status: Administratively attached to the Regulation and Licensing Department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes; July 1, 2027.

Funding: General appropriation act; other state funds = Psychology Fund; statutory per diem and mileage.

Membership: Eight members appointed by the governor for staggered three-year terms. Four members are licensed psychologists, of which two members are prescribing psychologists, appointed from a list provided by the New Mexico Psychological Association, the state psychologist association and the New Mexico Association of School Psychologists. One member is licensed under the act as a psychologist or psychologist associate. Three members are public members who have no significant interest in the occupation regulated. Removal is for cause.

Powers and Duties: Section 61-9-6 NMSA 1978: adopts rules to effect the purpose of the Professional Psychologist Act; adopts a seal; examines, approves, denies, revokes, suspends or renews the licensure of psychologists and psychologist associates; conducts disciplinary hearings; prosecutes and enjoins; and submits a report to the governor within 60 days of the end of the fiscal year concerning the work of the board of the preceding fiscal year.

Other powers and duties: charges fees; may license without written examination persons certified by the American Board of Professional Psychology and who pass an oral examination; and may license without written or oral examination persons licensed in other states or territories.

Section 61-9-11.2 NMSA 1978: may adopt rules providing for criminal background checks.

Section 61-9-17.1 NMSA 1978: issues conditional prescription certificates and prescription certificates.

Duplication, Similarity or Connection with Other Agencies: Counseling and Therapy Practice Board.

Category: Professional and Occupational Boards and Commissions

Public Accountancy Board, New Mexico

Statutory Reference: Section 61-28B-4 NMSA 1978 (1999 Public Accountancy Act).

Organizational Status: Administratively attached to the Regulation and Licensing Department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes; July 1, 2029.

Funding: General appropriation act; other state funds = Public Accountancy Fund; statutory per diem and mileage.

Membership: Seven members appointed by the governor for staggered three-year terms. Four members are certified public accountants or registered public accountants who have practiced for at least five calendar years immediately preceding their appointment. Three members represent the public and shall not have held a certificate or permit to practice public accountancy in any state and shall not have a significant interest in the public accountancy profession or in a firm. Public members have professional or practical experience in the use of accounting services and financial statements, so as to be qualified to make judgments about the qualifications and conduct of persons subject to the provisions of the 1999 Public Accountancy Act. A professional member whose certificate to practice has been suspended or revoked automatically ceases to be a member of the board. Removal is for cause.

Powers and Duties: Section 61-28B-5 NMSA 1978: may appoint committees or persons to advise or assist in carrying out the provisions of the 1999 Public Accountancy Act; may retain its own counsel in addition to the advice and assistance provided by the attorney general; may contract, sue and be sued; may obtain and use a seal; may cooperate with the appropriate authorities in other states in the investigation, enforcement and comparable acts of other states; may adopt rules to carry out the 1999 Public Accountancy Act and the conduct of certificate and permit holders; develops rules requiring a criminal history background check; and maintains a registry of names and addresses of all certificate and permit holders.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: Professional and Occupational Boards and Commissions

Real Estate Appraisers Board

Statutory Reference: Section 61-30-5 NMSA 1978 (Real Estate Appraisers Act).

Organizational Status: Administratively attached to the Regulation and Licensing Department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes; July 1, 2029.

Funding: General appropriation act; other state funds = Appraiser Fund; statutory per diem and mileage.

Membership: Seven members appointed by the governor for terms of five years. Four members are licensed or certified real estate appraisers; membership in a professional appraisal organization is not a prerequisite to serve. No more than two real estate appraiser members are from any one licensed or certified category. No more than two members are from any one county within New Mexico, and at least one real estate appraiser member shall be from each congressional district. One member of the board represents lenders or their assignees engaged in the business of lending funds secured by mortgages or is in the business of appraisal management. Two members represent the public and shall not have engaged in the business of real estate appraisals and shall have no financial interest in real estate appraisal or any real-estate-related business. Professional members are appointed for no more than two consecutive five-year terms.

Powers and Duties: Section 61-30-7 NMSA 1978: adopts rules to implement the Real Estate Appraisers Act; establishes educational programs and research projects related to the appraisal of real estate; establishes administrative procedures for processing applications and issuing registrations, licenses and certificates; determines who may qualify to be real estate appraiser trainees, state licensed residential real estate appraisers and state certified real estate appraisers; receives, reviews and approves applications for real estate appraiser trainees, state licensed residential real estate appraisers and each category of state certified real estate appraisers; defines the extent and type of educational experience, appraisal experience and equivalent experience that will meet the requirements for registration and licensing; provides for continuing education programs for the renewal of registrations, licenses and certificates; sets minimum requirements; adopts standards to define the education programs; adopts standards for the development and communication of real estate appraisals; adopts rules explaining and interpreting the standards after considering generally recognized appraisal practices; adopts a code of professional responsibility for real estate appraiser trainees, state licensed residential real estate appraisers and state certified real estate appraisers; complies with annual reporting requirements and other

requirements set forth in the federal real estate appraisal reform amendments; maintains a registry of the names and addresses of the people who hold current registrations, licenses and certificates; collects and transmits annual registry fees; registers and supervises appraisal management companies; recognizes appraiser certifications and licenses from certain states; and establishes procedures for disciplinary action.

Section 47-14-3 NMSA 1978: issues certificates of registration to persons or entities engaging in or conducting, or holding themselves out as engaging in or conducting, business as an appraisal management company; and supervises registrants.

Section 47-14-3.1 NMSA 1978: sets by rule the amount and conditions of surety bonds or other equivalent means of security required pursuant to the Appraisal Management Company Registration Act; and may impose penalties for violating provisions of that act or any board rule adopted pursuant to that act.

Section 47-14-3.2 NMSA 1978: may adopt rules providing for criminal background checks of appraiser licensees.

Section 47-14-5 NMSA 1978: prescribes and receives application forms for registering as an appraisal management company.

Section 47-14-6 NMSA 1978: grants appraisal management company registrations to applicants.

Section 47-14-7 NMSA 1978: prescribes irrevocable consent to service of process forms.

Section 47-14-8 NMSA 1978: establishes a fee, not to exceed $2,000, for appraisal management company registration; and receives annual registry fees from companies that have registered with the board or operate as subsidiaries of a federally regulated financial institution.

Section 47-14-9 NMSA 1978: determines that each person who owns, is an officer of or has a financial interest in an appraisal management company is of good moral character and submits to a background investigation; and shall not register a company whose owner has had an appraiser license or certificate refused, denied, canceled, surrendered in lieu of revocation or revoked in any state and not subsequently granted or reinstated.

Section 47-14-14 NMSA 1978: receives annual certification, on a form it prescribes, that an appraisal management company can verify that persons added to the company's appraiser panel hold a license in good standing.

Section 47-14-15 NMSA 1978: receives annual certification that an appraisal management company reviews on a periodic basis that the services provided by independent appraisers working for that company are being conducted in accordance with uniform standards of professional appraisal practice.

Section 47-14-15.1 NMSA 1978: promulgates rules to implement quality control standards for automated valuation models.

Section 47-14-16 NMSA 1978: receives annual certification from appraisal management companies that they maintain detailed records of service requests and of the independent appraisers performing the appraisals for the company.

Section 47-14-20 NMSA 1978: reviews complaints filed against appraisal management companies by independent appraisers who have been removed from the appraiser panel of that company for alleged illegal conduct, violation of the uniform standards of professional appraisal practice or violation of state licensing standards. If the board determines that the appraiser did not commit a violation, the board shall order that the appraiser be added to the appraiser management company's appraiser panel.

Section 47-14-21 NMSA 1978: may censure an appraisal management company, conditionally or unconditionally suspend or revoke a registration issued pursuant to the Appraisal Management Company Registration Act or levy fines or impose civil penalties not to exceed $25,000 per violation if the board determines that the company violated that act or any rules or regulations adopted by the board in the public's interest pursuant to that act, procured a registration, license or certificate by fraud, misrepresentation or deceit or violated the Real Estate Appraisers Act or federal Financial Institutions Reform, Recovery, and Enforcement Act of 1989; may deny a registration application for failure to comply with the minimum requirements and criteria of the Appraisal Management Company Registration Act; and shall take such actions pursuant to the provisions of the Uniform Licensing Act.

Section 47-14-22 NMSA 1978: shall conduct adjudicatory proceedings in accordance with the Uniform Licensing Act.

Section 47-14-23 NMSA 1978: may adopt rules that are reasonably necessary to implement, administer and enforce the provisions of the Appraisal Management Company Registration Act.

Other powers and duties: meets at least annually in each of the congressional districts; appoints and pays per diem and mileage to committees; employs and compensates staff; charges fees; and registers, licenses or certifies by reciprocity.

Duplication, Similarity or Connection with Other Agencies: New Mexico Real Estate Commission.

Category: Professional and Occupational Boards and Commissions

Real Estate Commission, New Mexico

Statutory Reference: Section 61-29-4 NMSA 1978.

Organizational Status: Administratively attached to the Regulation and Licensing Department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: General appropriation act; other state funds = Real Estate Commission Fund; statutory per diem and mileage.

Membership: Five members who have been New Mexico residents for three consecutive years immediately prior to their appointment, four of whom are associate or qualifying brokers licensed in New Mexico and one of whom is a member of the public and never licensed as an associate or qualifying broker; provided that not more than one member is from any one county within the state. Terms are five years. Removal is for cause.

Powers and Duties: Section 61-29-4 NMSA 1978: has all powers and duties prescribed by Chapter 61, Article 29 NMSA 1978 and as otherwise provided by law; and is expressly vested with the power and authority to make and enforce any rules to carry out the provisions of that article.

Other powers and duties: licenses and renews, suspends or revokes licenses; charges fees; keeps records; adopts rules for continuing education programs; may require professional liability insurance coverage and may establish the minimum terms and conditions of coverage, including limits of coverage and permitted exceptions; and solicits sealed, competitive proposals from insurance carriers to provide a group professional liability insurance policy. The commission may require license applicants to submit to criminal background checks. The commission administers the Real Estate Education and Training Fund.

Section 61-29-21 NMSA 1978: administers the Real Estate Recovery Fund Act.

Duplication, Similarity or Connection with Other Agencies: Real Estate Appraisers Board.

Category: Professional and Occupational Boards and Commissions

Respiratory Care Practitioners, Advisory Board of

Statutory Reference: Section 61-12B-5 NMSA 1978 (Respiratory Care Act).

Organizational Status: Administratively attached to the Regulation and Licensing Department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes; July 1, 2027.

Funding: General appropriation act; other state funds = Respiratory Care Fund; statutory per diem and mileage.

Membership: Five members appointed by the superintendent of regulation and licensing for three-year terms. The membership consists of one physician licensed in New Mexico who is knowledgeable in respiratory care; two licensed respiratory care practitioners who are residents of New Mexico, at least one of whom has been actively engaged in the practice of respiratory care for at least five years immediately preceding appointment; and two public members who are residents of New Mexico who have not been licensed as respiratory care practitioners or have any financial interest in the occupation regulated. Members shall not serve more than two consecutive terms. Three consecutive unexcused absences is cause for automatic removal.

Powers and Duties: Section 61-12B-6 NMSA 1978: consults with the department on the licensure of respiratory care practitioners.

Duplication, Similarity or Connection with Other Agencies: Other health-related boards.

Category: Professional and Occupational Boards and Commissions

Signed Language Interpreting Practices Board

Statutory Reference: Section 61-34-7 NMSA 1978 (Signed Language Interpreting Practices Act).

Organizational Status: Administratively attached to the Regulation and Licensing Department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: General appropriation act; other state funds = Signed Language Interpreting Practices Fund; also receives funds from the Telecommunications Access Fund; statutory per diem and mileage.

Membership: Seven members appointed by the governor for staggered three-year terms. Two members are licensed community interpreters and two are licensed educational interpreters. At least one of the community and educational interpreters on the board shall be deaf or hard of hearing. Two members are deaf, hard-of-hearing or deaf-blind persons who are regular consumers of signed language interpreting services. One member represents the public and is not a licensed signed language interpreter and does not have a financial interest in the profession of signed language interpreting. At least two members shall be from each congressional district. No board member serves more than two consecutive terms. Three unexcused absences result in a recommendation for removal from the board.

Other: The board has subpoena power.

Powers and Duties: Section 61-34-8 NMSA 1978: administers and enforces the provisions of the Signed Language Interpreting Practices Act; adopts rules for licensure and examination; issues, renews, suspends or revokes licenses; promulgates rules to carry out and enforce the provisions of the Signed Language Interpreting Practices Act; submits an annual budget; maintains records of all proceedings; and provides an annual report to the governor.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: Professional and Occupational Boards and Commissions

Social Work Examiners, Board of

Statutory Reference: Section 61-31-7 NMSA 1978 (Social Work Practice Act).

Organizational Status: Administratively attached to the Regulation and Licensing Department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes; July 1, 2031.

Funding: General appropriation act; other state funds = Board of Social Work Examiners Fund; statutory per diem and mileage.

Membership: Seven members appointed by the governor for staggered three-year terms who are representative of the geographic and ethnic groups in the state and who have been residents prior to their appointment and maintain New Mexico residency during their appointment. Four members shall have been engaged in social work practice for at least five years; at least two of the four hold master's degrees in social work; and at least two hold bachelor's degrees in social work from schools accredited by the Council on Social Work Education. At least one of the professional members is engaged primarily in clinical social work practice, one primarily in education and one primarily in administration or research in social organization, planning and development. Members may join professional organizations and associations organized exclusively to promote the improvement of the practice of social work for the protection of the health and welfare of the public or whose activities assist and facilitate the work of the board. Three members represent the public who have not been licensed or practiced as social workers or have any significant financial interest in the occupation regulated. Professional members are appointed from a list submitted by social work organizations and individual social work professionals. Removal is for cause; three unexcused absences are cause for automatic removal. Members shall not serve more than two consecutive terms.

Other: The board has subpoena power and can delegate that power.

Powers and Duties: Section 61-31-8 NMSA 1978: adopts rules to carry out the Social Work Practice Act; selects, prepares and administers examinations for licensure; adopts a professional code of ethics; appoints advisory committees; conducts hearings on the appeal of a denial of a license; requires and establishes criteria for continuing education; issues subpoenas, statements of charges and statements of intent to deny licenses; approves appropriate supervision for persons seeking licensure as licensed independent social workers or licensed clinical social worker; issues provisional and temporary licenses; determines qualifications for licensure, including the requirement to demonstrate an awareness and knowledge of New Mexico cultures;

sets fees for licenses; authorizes all disbursements; keeps a record of all proceedings; makes an annual report to the governor; and determines the appropriate application of technology to social work practice, including video teleconferencing, for appropriate supervision and client contact.

Other powers and duties: licenses by credentials; and establishes an impaired social workers' program.

Duplication, Similarity or Connection with Other Agencies: Counseling and Therapy Practice Board; New Mexico State Board of Psychologist Examiners.

Category: Professional and Occupational Boards and Commissions

Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Board

Statutory Reference: Section 61-14B-9 NMSA 1978 (Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act).

Organizational Status: Administratively attached to the Regulation and Licensing Department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes; July 1, 2027.

Funding: General appropriation act; other state funds = Speech Language Pathology, Audiology and Hearing Aid Dispensing Practices Board Fund; statutory per diem and mileage.

Membership: Eleven members appointed by the governor for staggered three-year terms. Members shall have been New Mexico residents for at least five years prior to appointment. Three members are licensed speech-language pathologists, two members are licensed audiologists, two members are licensed hearing aid dispensers, one member is a licensed otolaryngologist and three members represent the public and have no interest in the profession regulated. Members serve no more than two full consecutive terms. Three unexcused absences result in automatic recommendation for removal.

Powers and Duties: Section 61-14B-11 NMSA 1978: adopts rules and establishes policy necessary to carry out the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act; adopts rules for continuing education; adopts a code of ethics that includes rules requiring audiologists and hearing aid dispensers, at the time of the initial examination for possible sale and fitting of a hearing aid if hearing loss is determined, to inform each prospective purchaser about hearing aid options that can provide a direct connection between the hearing aid and assistive listening systems, which rules are is accordance with the latest standards for accessible design adopted by the United States Department of Justice in accordance with the federal Americans with Disabilities Act of 1990; conducts disciplinary hearings; investigates complaints against licensees by issuing investigative subpoenas prior to the issuance of a notice of contemplated action; establishes fees for licensure; provides for the licensing, renewal, denial, suspension or revocation of licenses; and adopts rules for licenses by reciprocity, including temporary permits for speech-language pathologists, audiologists or hearing aid dispensers.

Section 61-14B-13 NMSA 1978: gives a jurisprudence examination to a licensed otolaryngologist seeking licensure for hearing aid dispensing.

Section 61-14B-21 NMSA 1978: may deny, revoke, suspend or impose conditions upon a license held or applied for under the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act in accordance with the procedures set forth in the Uniform Licensing Act.

Duplication, Similarity or Connection with Other Agencies: Other health-related boards.

Category: Professional and Occupational Boards and Commissions

Veterinary Medicine, Board of

Statutory Reference: Section 61-14-4 NMSA 1978 (Veterinary Practice Act).

Organizational Status: Adjunct

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes; July 1, 2029.

Funding: General appropriation act; statutory per diem and mileage.

Membership: Seven members appointed by the governor for staggered four-year terms. Five members have been licensed to practice veterinary medicine in the state for five years; and two members represent the public and shall have no financial interest in the occupation regulated. Members serve no more than two consecutive four-year terms. Absences from three consecutive meetings, regular or special, result in automatic removal.

Powers and Duties: Section 61-14-5 NMSA 1978: examines and determines applicants for licensure; regulates artificial insemination and pregnancy diagnosis; establishes license and permits fees; conducts investigations; employs personnel; establishes standards for practice of veterinary medicine; certifies veterinary technicians; establishes a five-member Veterinary Technician Examining Committee; adopts rules establishing continuing education requirements for license renewal; and regulates the operation of veterinary facilities; performs the duties imposed on it pursuant to the Animal Sheltering Act; and establishes a five-member Animal Sheltering Committee.

Other powers and duties: may appoint an impaired-veterinarian committee; and licenses by endorsement.

Duplication, Similarity or Connection with Other Agencies: Animal Sheltering Committee.

Category: Public Safety and Criminal Justice

Alcohol Server Education Advisory Committee

Statutory Reference: Section 60-6E-11 NMSA 1978 (Alcohol Server Education Article of the Liquor Control Act).

Organizational Status: Administratively attached to the Alcoholic Beverage Control Division of the Regulation and Licensing Department.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Indirect through the department; per diem and mileage not statutory.

Membership: Ten members as follows: director of the Alcoholic Beverage Control Division; secretary of public safety or designee; secretary of health or designee; chief of the Traffic Safety Bureau of the Department of Transportation or designee; three representatives of the retail liquor industry; one representative of the wholesale liquor industry; one representative of the insurance industry; and one representative of a nonprofit organization whose primary purpose is to reduce drunk driving in New Mexico. Public members are appointed by the director; the director serves as chair. The committee shall meet not less than twice a year.

Powers and Duties: Section 60-6E-12 NMSA 1978: assists the division to develop standards, course requirements and materials for the program, procedures attendant to the program, certification standards for providers and instructors and certification of alcohol server education programs that meet minimum standards of the committee.

Duplication, Similarity or Connection with Other Agencies: Alcoholic Beverage Control Division of the Regulation and Licensing Department.

Category: Public Safety and Criminal Justice

Automobile Prevention Theft Authority

Statutory Reference: Section 59A-16C-17 NMSA 1978 (Insurance Fraud Act).

Organizational Status: Created in the Office of Superintendent of Insurance.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: No direct appropriation; the authority may seek and receive grant funding from federal, state or local governments or private philanthropic organizations; members serve without compensation.

Membership: Governed by a board of directors, consisting of the following members: the superintendent of insurance; the director of the Administrative Office of the District Attorneys or designee; and seven members appointed by the superintendent of insurance, including four representatives from insurance companies authorized to issue motor vehicle policies in New Mexico, two representatives from different law enforcement agencies and one representative of the public. Board members serve six-year terms, and no appointed member shall serve more than two terms.

Powers and Duties: Section 59A-16C-17 NMSA 1978: solicits, reviews and approves applications for grants to improve and support automobile theft prevention programs or programs for the enforcement and prosecution of automobile theft crimes; reports each year to the appropriate interim legislative committee on the implementation of the programs receiving grants; and reports each year to the Legislative Finance Committee on the finances of the authority.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: Public Safety and Criminal Justice

Community Corrections Advisory Panel (Adult)

Statutory Reference: Section 33-9-6 NMSA 1978 (Adult Community Corrections Act).

Organizational Status: Unspecified

Policy or Advisory? Advisory to the Corrections Department.

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Unspecified; per diem and mileage not statutory.

Membership: Section 33-9-6 NMSA 1978: the panel is unspecified, but it is established by the Corrections Department.

Powers and Duties: Section 33-9-6 NMSA 1978: reviews applications for grants under the Adult Community Corrections Act; makes recommendations to the secretary of corrections regarding applications.

Duplication, Similarity or Connection with Other Agencies: Similar to local panels; the Corrections Department also screens inmates.

Category: Public Safety and Criminal Justice

Community Corrections Advisory Panel (Juvenile)

Statutory Reference: Section 33-9A-5 NMSA 1978 (Juvenile Community Corrections Act).

Organizational Status: Unspecified

Policy or Advisory? Unspecified

Rulemaking Authority? Unspecified

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Unspecified; per diem and mileage not statutory.

Membership: Section 33-9A-5 NMSA 1978: the selection panel is unspecified, but it is established by the Children, Youth and Families Department.

Powers and Duties: Section 33-9A-5 NMSA 1978: screens and identifies appropriate delinquents sentenced to imprisonment, except those from judicial districts with a local panel; and recommends placement in community corrections programs and modification of disposition to a judge or the Children, Youth and Families Department.

Duplication, Similarity or Connection with Other Agencies: Similar to local panels; there may be duplication with duties of the Juvenile Public Safety Advisory Board and the Children, Youth and Families Department.

Category: Public Safety and Criminal Justice

Corrections Industries Commission

Statutory Reference: Section 33-8-5.1 NMSA 1978 (Corrections Industries Act).

Organizational Status: Unspecified

Policy or Advisory? Unspecified; duties under the Corrections Industries Act seem to be substantive.

Rulemaking Authority? Unspecified

Federal Mandate? No

Senate Confirmation? Yes

Sunset? No

Funding: General appropriation act through corrections industries programs; statutory per diem and mileage.

Membership: Seven members appointed by the governor with the consent of the senate for staggered four-year terms; not more than four members shall be of the same political party. Failure to attend three consecutive meetings without being excused results in automatic removal.

Other: Section 13-1-98 NMSA 1978: the Procurement Code exempts purchases by the Corrections Industries Division pursuant to rules adopted by the commission, which shall be reviewed by the Purchasing Division of the General Services Department.

Powers and Duties: Section 33-8-6 NMSA 1978: determines enterprises to be conducted in facilities in such volume, kind and place as to eliminate inmate idleness and provide diversified work activities; determines whether an enterprise should be established, expanded, diminished or discontinued; establishes a policy with respect to the conduct of enterprises; approves prices; consults with state agencies and local public bodies to develop new products and adapt existing products; acts as liaison with private industry, organized labor, the legislature and the general public; obtains and provides technical assistance; holds meetings at least quarterly; recommends to the Corrections Department the adoption of rules; adopts policies and procedures that permit an enterprise to make purchases; reviews, approves, adopts and monitors the annual budget for all enterprises; recommends names of qualified individuals for appointment as the director of the Corrections Industries Division; advises the director on management and control of the division; assists in inmate occupational placement upon release with the Adult Parole Board and the Field Services Division of the department; and prepares an annual report, including financial statements.

Section 33-8-7 NMSA 1978: directs administration of the Corrections Industries Revolving Fund.

Section 33-8-8 NMSA 1978: establishes a compensation plan for inmates in enterprise programs and public works.

Duplication, Similarity or Connection with Other Agencies: Corrections Department.

Category: Public Safety and Criminal Justice

Crime Stoppers Advisory Council

Statutory Reference: Section 29-12A-2 NMSA 1978 (Crime Stoppers Act).

Organizational Status: Unspecified

Policy or Advisory? While named advisory, it is required to certify specified portions of local programs.

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Unspecified; statutory per diem and mileage.

Membership: Five members from local crime stoppers programs, four of whom are from the four quadrants of the state and one from Albuquerque. Members are appointed by the governor for two-year terms.

Powers and Duties: Section 29-12A-3 NMSA 1978: advises and assists in the creation and maintenance of local crime stoppers programs; certifies local crime stoppers programs for the purposes of confidentiality of records and privileges and immunities; encourages the media to promote the functions of local programs; and facilitates training for local programs. The council takes no part in the receipt of reports or tips regarding criminal activity.

Duplication, Similarity or Connection with Other Agencies: Department of Public Safety.

Category: Public Safety and Criminal Justice

Crime Victims Reparation Commission

Statutory Reference: Section 31-22-4 NMSA 1978 (Crime Victims Reparation Act).

Organizational Status: Adjunct

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: General appropriation act; statutory per diem and mileage.

Membership: Five members appointed by the governor for staggered four-year terms. Not more than three members shall be from the same political party. One member is an attorney, one a physician and one a representative of a law enforcement agency.

Other: The commission has subpoena power.

Powers and Duties: Section 31-22-4 NMSA 1978: may employ the director and other staff.

Section 31-22-4.1 NMSA 1978: creates a Domestic Violence Homicide Review Team within the commission to study issues and report to the appropriate government officials.

Section 31-22-5 NMSA 1978: reviews claims and holds claims hearings.

Section 31-22-6 NMSA 1978: may appoint an impartial physician to examine an applicant for reparation.

Section 31-22-14 NMSA 1978: may extend the time for filing an application for good cause shown by a claimant or a victim; and may award up to an additional $30,000 for extraordinary pecuniary losses if the personal injury to a victim is catastrophic and results in a permanent total disability.

Section 31-22-17 NMSA 1978: may adopt, amend and repeal rules.

Section 31-22-21 NMSA 1978: may expend the Crime Victims Reparation Fund.

Section 31-22-23 NMSA 1978: may compel production of books, records and papers pertinent to an investigation or hearing pursuant to the act.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: Public Safety and Criminal Justice

DNA Identification System Oversight Committee

Statutory Reference: Section 29-16-5 NMSA 1978 (DNA Identification Act).

Organizational Status: Unspecified

Policy or Advisory? Unspecified, but presumably policy, given its rulemaking authority.

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Unspecified; per diem and mileage not statutory.

Membership: Nine members as follows: one scientific representative from the Department of Public Safety crime laboratory appointed by the secretary of public safety; one scientific representative from the crime laboratory of the Albuquerque Police Department; secretary of corrections or designee; state medical investigator or designee; attorney general or designee; president of the New Mexico District Attorney's Association or designee; chief public defender or designee; president of the New Mexico Criminal Defense Lawyers Association or designee; and head of the administrative center or designee.

Powers and Duties: Section 29-16-5 NMSA 1978: oversees the establishment and administration of the missing persons DNA identification system as part of the DNA identification system; adopts rules and procedures regarding administration and operation of the missing persons DNA identification system as part of the DNA identification system; oversees the establishment of and adopts rules and procedures regarding the sex offender DNA identification system as part of the DNA identification system; designates and approves the location of the administrative center; and may award grants and loans.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: Public Safety and Criminal Justice

Domestic Violence Homicide Review Team

Statutory Reference: Section 31-22-4.1 NMSA 1978 (Crime Victims Reparation Act).

Organizational Status: Created within the Crime Victims Reparation Commission.

Policy or Advisory? Unspecified

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Unspecified; per diem and mileage not statutory.

Membership: Unspecified number of members appointed by the director of the commission: medical personnel with expertise in domestic violence; criminologists; representatives from the New Mexico District Attorney's Association; representatives from the Office of the Attorney General; victims' services providers; civil legal services providers; representatives from the Public Defender Department; members of the judiciary; law enforcement personnel; representatives from the Department of Health, the Aging and Long-Term Services Department and the Children, Youth and Families Department who deal with domestic violence victims' issues; representatives from tribal organizations who deal with domestic violence; and any other members the director of the commission deems appropriate.

Other: Members are not subject to civil liability for any act related to the review of a domestic violence-related homicide or a sexual assault-related homicide; provided that the members act in good faith, without malice and in compliance with other state or federal law.

Powers and Duties: Section 31-22-4.1 NMSA 1978: reviews trends and patterns of domestic violence-related homicides and sexual assault-related homicides in New Mexico; evaluates the responses of government and nongovernment service delivery systems and offers recommendations for improvement of the responses; identifies and characterizes high-risk groups for the purpose of recommending developments in public policy; collects statistical data in a consistent and uniform manner on the occurrence of domestic violence-related homicides and sexual assault-related homicides; improves collaboration among tribal, state and local agencies and organizations to develop initiatives to prevent domestic violence; and reports its activities annually to the governor, New Mexico Legislative Council, chief justice, secretaries of public safety, health and children, youth and families and any other persons the team deems appropriate.

Duplication, Similarity or Connection with Other Agencies: New Mexico Sentencing Commission; Department of Public Safety; courts; district attorneys; Crime Victims Reparation Commission.

Category: Public Safety and Criminal Justice

Domestic Violence Leadership Commission, New Mexico

Statutory Reference: Section 9-2A-24 NMSA 1978 (Children, Youth and Families Department Act).

Organizational Status: Administratively attached to the Children, Youth and Families Department.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Indirect through the department; statutory per diem and mileage.

Membership: Twenty-six members appointed by the governor as follows: representatives of the Office of the Governor, the Department of Public Safety, the judiciary, the Corrections Department, a law enforcement agency, New Mexico Legal Aid, the Department of Health, the New Mexico Coalition Against Domestic Violence or an equivalent organization, the Southwest Women's Law Center or an equivalent organization, the Coalition to Stop Violence Against Native Women or an equivalent organization, the Crime Victims Reparation Commission, the Intimate Partner Violence Death Review Team, the Aging and Long-Term Services Department, a children's advocacy organization and a gay and lesbian organization; a community representative; two representatives of rural domestic violence service providers; a domestic violence survivor who has been nominated by the New Mexico Coalition Against Domestic Violence; the attorney general or designee; a state senator appointed by the senate president pro tempore; a state representative appointed by the speaker of the house; the secretary of children, youth and families or designee; the president of the New Mexico District Attorney's Association or designee; the chief public defender or designee; and the director of the Interpersonal Violence Data Central Repository. Appointed members serve at the pleasure of the governor, and their appointments shall be reviewed at the beginning of each gubernatorial term. The governor designates the chair for a term of two years. The commission meets at least six times each year.

Powers and Duties: Section 9-2A-24 NMSA 1978: identifies domestic violence services that are lacking or in need of improvement and provides recommendations to the secretary of children, youth and families and the governor to enhance the quality and efficiency of services statewide; develops strategies for addressing issues of domestic violence and raising public awareness; studies possible inequities in the treatment and disposition of males involved in domestic violence; reviews laws, rules and policies related to domestic violence to assess their effectiveness and recommend changes; and reports annually before October 1 to an appropriate legislative interim committee and the governor on domestic violence policy issues.

Duplication, Similarity or Connection with Other Agencies: Crime Victims Reparation Commission; local law enforcement; New Mexico District Attorney's Association; governor's cabinet; attorney general; Commission on the Status of Women.

Category: Public Safety and Criminal Justice

Fire Protection Grant Council

Statutory Reference: Section 59A-53-19 NMSA 1978 (Fire Protection Fund Law).

Organizational Status: Unspecified

Policy or Advisory? Policy

Rulemaking Authority? Unspecified, but it develops criteria for and awards grant assistance.

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Statutory per diem and mileage for public members.

Membership: One representative each of the New Mexico Municipal League and the New Mexico Association of Counties; two members appointed by the Fire Services Council, who serve at the pleasure of the council; three members, one from each congressional district, appointed by the governor who serve at the governor's pleasure; and the state fire marshal, who serves as a nonvoting advisory member. The council elects a chair and vice chair.

Powers and Duties: Section 59A-53-19 NMSA 1978: develops criteria for assessing the critical needs of municipal and county fire districts for: fire apparatus and equipment; communications equipment; equipment for wildfires; fire station construction or expansion; equipment for hazardous material response; stipends for volunteer firefighters; and recruiting and retention programs for volunteer firefighters. Applications for grants are made to the council; the council evaluates and prioritizes applications and awards grants. The council may require conditions and procedures necessary to ensure that money is spent in the most prudent manner.

Duplication, Similarity or Connection with Other Agencies: State Fire Marshal's Office.

Category: Public Safety and Criminal Justice

Fire Services Council

Statutory Reference: Section 59A-52-27 NMSA 1978.

Organizational Status: Unspecified

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Statutory per diem and mileage; members receive no other compensation.

Membership: Ten members, including the presiding officer or designee of each of the: New Mexico Fire Chiefs Association; Fire and Emergency Managers Affiliate of New Mexico Counties; New Mexico State Firefighters Association; New Mexico Emergency Medical Technician Association; New Mexico Fire Marshals Association; Metro Fire Chiefs Association; and New Mexico Professional Fire Fighters Association; one person appointed by the governor; one person appointed by the president pro tempore of the senate; and one person appointed by the speaker of the house of representatives.

Powers and Duties: Section 59A-52-27.1 NMSA 1978: reviews and comments on proposed changes in fire codes and the proposed budget of the State Fire Marshal's Office; considers complaints regarding the performance of the State Fire Marshal's Office and makes recommendations to the state fire marshal; provides to the secretary of homeland security and emergency management a recommendation on the appointment of the state fire marshal; and hears administrative appeals of state fire marshal or deputy state fire marshal orders and modifications.

Duplication, Similarity or Connection with Other Agencies: State Fire Marshal's Office.

Category: Public Safety and Criminal Justice

Firefighters' Survivors Supplemental Death Benefits Review Committee

Statutory Reference: Section 10-11B-5 NMSA 1978 (Firefighters' Survivors Supplemental Benefits Act).

Organizational Status: Unspecified

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: No

Membership: Attorney general, president of the New Mexico Fire Chiefs Association, state president of the New Mexico Professional Fire Fighters Association and president of the New Mexico State Fire Fighters' Association or designees.

Powers and Duties: Section 10-11B-5 NMSA 1978: determines whether a firefighter has been killed in the line of duty and advises the state fire marshal of that determination.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: Public Safety and Criminal Justice

Interoperability Planning Commission

Statutory Reference: Section 12-10D-3 NMSA 1978 (Emergency Communications Interoperability Act).

Organizational Status: Administratively attached to the Homeland Security and Emergency Management Department.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? Required for federal preparedness assistance.

Senate Confirmation? No

Sunset? No

Funding: Indirect through the department; statutory per diem and mileage for members not paid by public money.

Membership: Twelve members, including the lieutenant governor; the governor's homeland security advisor; secretary of information technology or designee; adjutant general or representative from the Department of Military Affairs; secretary of energy, minerals and natural resources or designee; state fire marshal or designee; secretary of Indian affairs or designee; secretary of transportation or designee; secretary of health or designee; secretary of public safety or designee; executive director of the New Mexico Municipal League or designee; and executive director of the New Mexico Association of Counties or designee. The commission appoints the chair and vice chair. The commission meets at the call of the chair but no less than twice each year.

Powers and Duties: Section 12-10D-4 NMSA 1978: advises the department on: (1) development and coordination of a statewide interoperable emergency communications plan in compliance with national incident management system guidelines, including an integrated public safety radio communications system and other coordinated critical information systems, to achieve interoperability within and among local, state, tribal and federal agencies and first responders; (2) implementation of the interoperable emergency communications plan by state and local agencies and provision of specific directions for methods by which agencies shall implement those strategies; (3) priorities relating to the interoperable emergency communications plan; and (4) other matters relating to planning, development, coordination, promotion and implementation of the interoperable emergency communications plan.

Duplication, Similarity or Connection with Other Agencies: Department of Information Technology.

Category: Public Safety and Criminal Justice

Intrastate Mutual Aid Committee

Statutory Reference: Section 12-10B-3 NMSA 1978 (Intrastate Mutual Aid Act).

Organizational Status: Administratively attached to the Department of Public Safety.

Policy or Advisory? Unspecified

Rulemaking Authority? Unspecified

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Indirect through the Department of Public Safety; per diem and mileage for certain members.

Membership: Eleven members appointed by the governor, including a representative of the Department of Public Safety and the governor's homeland security advisor, who shall be a permanent member and the presiding officer of the committee. Members represent emergency management and response disciplines, political subdivisions and, if participating, Indian nations, tribes or pueblos. Terms are four years. The committee elects a vice-presiding officer and any other officers. The committee meets at least annually and may meet at the call of the presiding officer or seven members.

Powers and Duties: Section 12-10B-3 NMSA 1978: reviews the progress and status of intrastate mutual aid; assists in developing methods to track and evaluate activation of the system; examines issues facing member jurisdictions in the implementation of mutual aid; develops, adopts and disseminates comprehensive guidelines and procedures that address projected or anticipated costs of establishing and maintaining the system, checklists for requesting and providing intrastate mutual aid, recordkeeping for member jurisdictions and procedures for reimbursing actual and legitimate expenses of a member jurisdiction that responds to a request for aid through the system; and adopts other guidelines and procedures considered necessary.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: Public Safety and Criminal Justice

Juvenile Justice Advisory Committee

Statutory Reference: Section 9-2A-14 NMSA 1978 (Children, Youth and Families Department Act).

Organizational Status: Unspecified; serves as the "supervisory board" under the federal Juvenile Justice and Delinquency Protection Act of 1974.

Policy or Advisory? Policy

Rulemaking Authority? Unspecified

Federal Mandate? Yes; the federal Juvenile Justice and Delinquency Prevention Act of 1974.

Senate Confirmation? No

Sunset? No

Funding: Federal funds; statutory per diem and mileage.

Membership: Unspecified

Powers and Duties: Section 9-2A-16 NMSA 1978: has policymaking, planning and review powers over certain functions pursuant to the federal act.

Section 9-2A-14.1 NMSA 1978: reviews grant applications for the Juvenile Continuum Grant Fund.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: Public Safety and Criminal Justice

Juvenile Public Safety Advisory Board

Statutory Reference: Section 32A-7A-2 NMSA 1978 (Juvenile Public Safety Advisory Board Act).

Organizational Status: Administratively attached to the Children, Youth and Families Department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: General appropriation act; statutory per diem and mileage.

Membership: Three to seven members appointed by the governor for six-year terms. Members shall be persons qualified by education or professional training in such fields as criminology, education, health, psychology, psychiatry, law, social work or sociology for children and youth. The membership shall be reasonably representative of the various geographic regions of the state. The governor designates the chair, and the chair may designate two members of the board to serve as regional vice chairs. An employee of the department shall not serve as chair or vice chair. Members may be removed by the governor as provided in Article 5, Section 5 of the Constitution of New Mexico; vacancies shall be filled by the governor for the remainder of the unexpired term.

Powers and Duties: Section 32A-7A-6 NMSA 1978: advises the department on release decisions, including the criteria to be used to grant release and participation in decisions to grant or deny release; meets with the secretary of children, youth and families or the secretary's designee a minimum of twice each year for the purpose of reviewing the activities of the department; visits each facility for adjudicated delinquent children operated by the department at least once each year and, on or before June 30 of each year, submits a written report to the governor and the secretary regarding conditions relating to the care and treatment of youth assigned to the facilities and any other matters pertinent in the judgment of the board; makes recommendations to the secretary and the director of the Juvenile Justice Division of the department concerning programs and facilities for adjudicated delinquent children; and adopts rules and regulations as may be necessary for the effectual discharge of duties of the board. Within 40 days of a juvenile's arrival at a facility, the board shall conduct an initial assessment of the juvenile. At regularly scheduled intervals thereafter, the board shall conduct administrative reviews to assess the juvenile's progress or lack thereof. After each administrative review, the board shall prepare a report of the juvenile offender's progress with recommendations as to readiness for release or appropriateness of programming.

Section 32A-7A-8 NMSA 1978: the board shall have access at reasonable times to any adjudicated delinquent child and any records pertaining to the child for whom the department is considering release or who has requested release pursuant to procedures established by the department. The agency or facility to which legal custody was transferred shall also provide the board with facilities for communicating with and interviewing children.

Duplication, Similarity or Connection with Other Agencies: Juvenile Justice Division; Adult Parole Board.

Category: Public Safety and Criminal Justice

Law Enforcement Certification Board

Statutory Reference: Section 29-7-4.3 NMSA 1978 (Law Enforcement Training Act).

Organizational Status: Administratively attached to the Department of Public Safety.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes

Sunset? No

Funding: Statutory per diem and mileage.

Membership: Eleven members appointed by the governor with the advice and consent of the senate, including a retired district court judge, who serves as chair of the board; a current or retired New Mexico state-certified municipal law enforcement manager in a command position; a retired sheriff who was certified or a current sheriff who is certified as a law enforcement officer; a current or retired state or local New Mexico state-certified law enforcement officer who has law enforcement management command experience; a current or retired tribal law enforcement officer; a certified public safety telecommunicator; an attorney in private practice who practices as a plaintiff's attorney in the area of civil rights or who represents criminal defendants; an attorney in private practice who represents public entities in civil rights claims; an attorney who is employed by the Public Defender Department; a professor of criminal justice at a New Mexico public post-secondary educational institution; and a citizen-at-large who has knowledge and interest in law enforcement training. No more than six members can be members of the same political party. Members are appointed so as to represent different geographical areas of the state and the ethnic and cultural diversity of the state's population. Members are appointed for staggered five-year terms.

Powers and Duties: Section 29-7-4.3 NMSA 1978: denies, suspends or revokes a peace officer's certification for just cause as provided in the Law Enforcement Training Act and a public safety telecommunicator's certification for just cause as provided in the Public Safety Telecommunicator Training Act; conducts investigations, administers oaths and subpoenas persons as necessary to make a determination regarding fitness of a law enforcement officer to execute the officer's duties; and adopts, publishes and files all rules concerning the implementation and enforcement of the Law Enforcement Training Act and Public Safety Telecommunicator Training Act, with exceptions. A decision of the board is a final agency decision and may be appealed as provided in Section 39-3-1.1 NMSA 1978.

Section 29-7-7.1 NMSA 1978: audits in-service law enforcement training compliance.

Section 29-7-13 NMSA 1978: develops, adopts and promulgates administrative procedures for suspension or revocation of a police officer's certification that includes notice and an opportunity for the affected officer to be heard as well as procedures for review of the board's decision.

Section 29-7-16 NMSA 1978: employs a web-based technology solution that will enable any member of the public to search for outcomes of misconduct investigations that result in dismissal, denial, suspension or revocation of a police officer's or public safety telecommunicator's certification.

Section 29-7C-9 NMSA 1978: develops, adopts and promulgates administrative procedures for suspension or revocation of a public safety telecommunicator's certification that includes notice and an opportunity for the affected telecommunicator to be heard and procedures for review of the board's decision.

Duplication, Similarity or Connection with Other Agencies: New Mexico Law Enforcement Standards and Training Council; Department of Public Safety.

Category: Public Safety and Criminal Justice

Law Enforcement Standards and Training Council, New Mexico
(formerly the New Mexico Law Enforcement Academy Board)

Statutory Reference: Section 29-7-3 NMSA 1978 (Law Enforcement Training Act).

Organizational Status: Administratively attached to the New Mexico Law Enforcement Academy of the Department of Public Safety.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes

Sunset? No

Funding: Indirect through the New Mexico Law Enforcement Academy; statutory per diem and mileage.

Membership: The council consists of the director of the New Mexico Law Enforcement Academy and the directors of the accredited regional law enforcement training facilities, who serve ex officio, and the following 11 members appointed by the governor and confirmed by the senate: one attorney employed in a district attorney's office; one attorney employed by the Public Defender Department; one certified police chief of a New Mexico Indian nation, tribe or pueblo; two New Mexico state-certified public safety telecommunicators, one of whom from an agency that offers fire and medical telecommunications services and one of whom from a public safety agency serving a rural part of the state; two members who have experience and specialize in providing adult education; two citizen-at-large members, one of whom has behavioral health expertise and neither of whom is an active or retired law enforcement officer or public safety telecommunicator or has a familial or financial connection to an active or retired law enforcement officer or public safety telecommunicator or any agency or department for which a law enforcement officer or public safety telecommunicator works; a sheriff who is a New Mexico state-certified law enforcement officer; and a municipal law enforcement manager who is a New Mexico state-certified law enforcement officer in a command position. Members serve staggered terms of four years or less made so that the terms of not more than four members expire on July 1 of each year.

Powers and Duties: Section 29-7-3 NMSA 1978: develops and promulgates training requirements, curricula and methods; professional development programs; and performance standards for law enforcement officers and public safety telecommunicators at all levels, including basic, field training officer programs, advanced, specialized and instructor training to be consistent throughout New Mexico.

Section 29-7-4 NMSA 1978: develops a planned program, to be implemented by the director of the New Mexico Law Enforcement Academy, of: basic law enforcement training and in-service law enforcement training, a portion of which may be conducted on a regional basis, and basic telecommunicator training and in-service telecommunicator training, a portion of which may be conducted on a regional basis; prescribes qualifications for instructors and prescribes courses of instruction for: basic law enforcement training and in-service law enforcement training and basic telecommunicator training and in-service telecommunicator training; reports annually to the governor; and adopts rules.

Duplication, Similarity or Connection with Other Agencies: New Mexico Law Enforcement Academy; Law Enforcement Certification Board.

Category: Public Safety and Criminal Justice

Mounted Patrol Board of Directors, New Mexico

Statutory Reference: Section 29-6-2 NMSA 1978.

Organizational Status: Volunteer

Policy or Advisory? Policy; has control, management, supervision and power of internal organization.

Rulemaking Authority? Yes, for internal purposes.

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: None

Membership: Unspecified; one member from each troop of the New Mexico Mounted Patrol elected by the members for two-year terms.

Other: The New Mexico Mounted Patrol is an all-volunteer organization.

Powers and Duties: Section 29-6-4 NMSA 1978: assists in the enforcement of law by cooperating with all law enforcement agencies and regulatory bodies of the state when requested by those agencies and under their direction and control; and acts as an official bodyguard to the governor or distinguished visitors upon the call of the governor.

Section 29-6-5 NMSA 1978: may be detailed to assist and render aid in specific instances involving law enforcement or other matters when assistance and aid is requested by state or local law enforcement agencies; and when acting on such a call, has the same powers and duties as the requesting authorities and is covered by workers' compensation.

Section 29-6-6 NMSA 1978: the governor may call out the New Mexico Mounted Patrol in case of insurrection, invasion, riot, breach of the peace or imminent danger.

Duplication, Similarity or Connection with Other Agencies: New Mexico State Police; sheriff's offices; municipal police.

Category: Public Safety and Criminal Justice

Organized Crime Prevention Commission, Governor's

Statutory Reference: Section 29-9-3 NMSA 1978 (Organized Crime Act).

Organizational Status: Administratively attached to the New Mexico State Police and the Corrections Department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes

Sunset? No

Funding: Commission is defunct; it had been a General Fund agency.

Membership: Seven members appointed by the governor with the consent of the senate; no more than four members shall belong to the same political party; at least one member is a member of the State Bar of New Mexico; terms are four years. Members shall be of unquestioned integrity, high standing and influence, be selected for geographical representation and be given security clearances.

Other: The legislature essentially eliminated the commission in 1995 through reduced appropriations.

The commission has subpoena power.

Powers and Duties: Section 29-9-4 NMSA 1978: forestalls, checks and prevents infiltration and encroachment of organized crime into public and private affairs in the state; investigates the extent to which organized crime and racketeering have or have not infiltrated and encroached; investigates those conditions that may or may not lead to infiltration and encroachment; and reports to the proper authorities.

Section 29-9-5 NMSA 1978: assesses and evaluates activities and problems involving organized crime in the state; develops a comprehensive plan for the suppression and control of organized crime in the state; recommends programs to combat organized crime; examines matters relating to law enforcement intrastate and interstate; makes an annual report; keeps the public informed; advises and assists the attorney general, district attorneys or other law enforcement officials; cooperates with the federal government; conducts investigations as necessary; conducts private and public hearings; receives testimony, examines witnesses and requests production of evidence; administers oaths or affirmations; issues subpoenas after a resolution of at least five members of the commission; and petitions the district court ex parte to order attendance.

The Department of Public Safety relies on the commission's investigative and subpoena powers.

Duplication, Similarity or Connection with Other Agencies: New Mexico State Police; local law enforcement.

Category: Public Safety and Criminal Justice

Parole Board, Adult

Statutory Reference: Section 31-21-24 NMSA 1978 (Parole Board Act).

Organizational Status: Administratively attached to the Corrections Department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes

Sunset? No

Funding: General appropriation act; statutory per diem and mileage.

Membership: Fifteen members appointed by the governor with the consent of the senate. Members serve staggered six-year terms. Members are people qualified by academic training or professional experience and shall not be employed by any federal, state or local governmental entity. Removal is in accordance with Article 5, Section 5 of the Constitution of New Mexico. The governor designates the chair.

Powers and Duties: Section 31-21-25 NMSA 1978: grants, denies or revokes parole; conducts investigations, examinations, interviews, hearings and other proceedings; summons witnesses and books, papers, reports, etc.; maintains records of its acts; adopts an official seal; employs personnel; contracts for services, supplies, equipment, etc.; adopts rules; provides a written statement of the reason for denying or revoking parole; and adopts a written policy specifying the criteria for consideration of granting, denying or revoking parole or the discharge of the parolee.

Section 31-21-25.1 NMSA 1978: establishes rules and implements the medical and geriatric parole program.

Section 31-5-7 NMSA 1978: holds hearings pursuant to the Western Interstate Corrections Compact.

Section 31-21-10.1 NMSA 1978: holds hearings to determine the terms and conditions of supervised parole for sex offenders and reviews them every two and one-half years; notifies the chief public defender of any upcoming parole hearing for sex offenders; requires electronic real-time monitoring of a sex offender on parole; and may revoke parole or order additional terms and conditions of parole when the sex offender has violated the terms and conditions of parole.

Duplication, Similarity or Connection with Other Agencies: Juvenile Public Safety Advisory Board.

Category: Public Safety and Criminal Justice

Peace Officers', New Mexico Mounted Patrol Members' and Reserve Police Officers' Survivors Supplemental Death Benefits Review Committee

Statutory Reference: Section 29-4A-5 NMSA 1978 (Peace Officers', New Mexico Mounted Patrol Members' and Reserve Police Officers' Survivors Supplemental Benefits Act).

Organizational Status: Unspecified

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: General appropriation act; other state funds = Peace Officers', New Mexico Mounted Patrol Members' and Reserve Police Officers' Survivors Fund; unspecified as to per diem and mileage.

Membership: The attorney general or designee; New Mexico State Police chief or designee; and state president of the Fraternal Order of Police or designee.

Powers and Duties: Section 29-4A-5 NMSA 1978: determines whether a peace officer, New Mexico Mounted Patrol member or reserve police officer has been killed in the line of duty and advises the secretary of public safety of that determination.

Duplication, Similarity or Connection with Other Agencies: Department of Public Safety.

Category: Public Safety and Criminal Justice

Public Defender Commission

Statutory Reference: Article 6, Section 39 of the Constitution of New Mexico; Sections 31-15-2.1 and 31-15-2.2 NMSA 1978 (Public Defender Act).

Organizational Status: Independent; constitutional grant of oversight of the Public Defender Department; administratively attached to the department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: General appropriation act; members are eligible for per diem and mileage.

Membership: Eleven members appointed as follows: one by the governor, three by the chief justice of the New Mexico Supreme Court, three by the dean of the University of New Mexico School of Law, one by the speaker of the house of representatives, one by the senate president pro tempore, one by the majority leader of the house of representatives and one by the majority leader of the senate. Appointments made by the chief justice and the dean shall follow the other appointments and be made in such a way so that the two political parties shall be equally divided. Members shall have significant experience in the legal defense of criminal or juvenile justice cases or demonstrated a commitment to quality indigent defense representation or to working with and advocating for the population served by the department. Excluded from membership are most individuals currently working in the criminal justice system, elected officials or their employees and individuals who contract with or receive funding from the Public Defender Department.

Powers and Duties: Section 31-15-2.4 NMSA 1978: exercises independent oversight of the department, sets representation standards for the department and provides guidance and support to the chief public defender in administration of the department; and develops fair and consistent standards for the operation of the department and the provision of services pursuant to the act. Individual members shall not interfere with the discretion, professional judgment or advocacy of a public defender, a public defender office, a public defender contractor or an assigned counsel in the representation of a public defender client.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: Public Safety and Criminal Justice

Public Health and Safety Advisory Committee

Statutory Reference: Section 26-2C-4 NMSA 1978 (Cannabis Regulation Act).

Organizational Status: Administratively attached to the Department of Health.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Statutory per diem and mileage; members shall receive no other compensation.

Membership: The secretary of health appoints 15 professionals with expertise related to cannabis products through work, training or research in public health, epidemiology, medicine, medical toxicology, poison control, road safety, occupational safety, environmental safety and emergency medicine.

Powers and Duties: Section 26-2C-4 NMSA 1978: provides an annual report to the legislature on the health effects of legalizing cannabis products for adult use, including the following elements relating to cannabis product use and the demographics of persons who are the subject of an element: child access, road safety and impairment, workplace safety, number of emergency room visits and outcomes, educational needs, consumer and product safety, percentage of poison control center calls and the impacts on rates of alcohol, opioid and other substance abuse.

Duplication, Similarity or Connection with Other Agencies: Department of Health; Cannabis Control Division.

Category: Public Safety and Criminal Justice

Public Safety Advisory Commission

Statutory Reference: Section 9-19-11 NMSA 1978 (Department of Public Safety Act).

Organizational Status: Advisory to the Department of Public Safety.

Policy or Advisory? Advisory

Rulemaking Authority? Unspecified

Federal Mandate? No

Senate Confirmation? Yes

Sunset? No

Funding: Unspecified; per diem and mileage not statutory.

Membership: Seven citizens appointed by the governor with the consent of the senate; terms are three years.

Other: As the department's due process body for disciplinary proceedings, the commission meets as needed. The department reports that the commission is necessary because of its due process functions.

Powers and Duties: Section 9-19-11 NMSA 1978: advises the secretary of public safety on policy matters respecting activities of the department; and conducts disciplinary proceedings for New Mexico State Police officers as required by Section 29-2-11 NMSA 1978 and serves its findings and conclusions on the secretary for execution.

Duplication, Similarity or Connection with Other Agencies: Personnel Board.

Category: Public Safety and Criminal Justice

Search and Rescue Review Board, State

Statutory Reference: Section 24-15A-6 NMSA 1978 (Search and Rescue Act).

Organizational Status: Unspecified

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Unspecified; per diem and mileage not statutory.

Membership: The state search and rescue resource officer, who is nonvoting; the secretary of public safety or designee; the secretary of health or designee; a representative of the Civil Air Patrol Division of the Department of Military Affairs; a representative of the New Mexico Emergency Services Council [or its successor agency]; a member certified as a search and rescue person; a member of the New Mexico Sheriffs' Association; the chief of the New Mexico State Police or designee; and a member of the general public who is chair and votes only in case of a tie. Non-ex-officio members are appointed by the governor for three-year staggered terms. Members are removed if they miss more than two consecutive meetings.

Powers and Duties: Section 24-15A-6 NMSA 1978: evaluates the operation of the search and rescue plan; evaluates problems of specific missions; makes findings of fact and recommendations to the chief of the New Mexico State Police, director of the Technical Support Division of the Department of Public Safety and other appropriate authorities; meets at least quarterly; evaluates the operation and the effectiveness of the state search and rescue plan and makes recommendations to the director of the Technical Support Division of the Department of Public Safety; evaluates the operational effectiveness of specific missions; makes findings of fact and recommendations to the chief of the New Mexico State Police and other appropriate authorities to eliminate problems and improve overall conduct of the mission; holds hearings and invites individuals to appear and testify before the board and reimburses witnesses for travel expenses incurred; prepares reports for the attorney general in cases of victim hospitalization or death; and with the approval of the chief of the New Mexico State Police, certifies field coordinators and confirms certification of search and rescue personnel.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: Public Safety and Criminal Justice

Sentencing Commission, New Mexico
(formerly the Criminal and Juvenile Justice Coordinating Council)

Statutory Reference: Section 9-3-10 NMSA 1978 (Corrections Department Act).

Organizational Status: Administratively attached to the Office of the Governor.

Policy or Advisory? Unspecified; however, the commission receives appropriations and can hire staff.

Rulemaking Authority? Unspecified

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: General appropriation act; statutory per diem and mileage.

Membership: Twenty-seven members as follows: the attorney general; a district attorney appointed by the New Mexico District Attorney's Association; the chief public defender; two district court judges, one of whom shall be a children's court judge, appointed by the district and metropolitan judges association or its successor agency; a magistrate judge appointed by the chief justice of the supreme court; the dean of the University of New Mexico School of Law; the secretary of corrections; the secretary of public safety; the secretary of children, youth and families; the secretary of public education; a representative from the Behavioral Health Services Division of the Human Services Department [Health Care Authority]; a county sheriff appointed by the executive director of New Mexico Counties; two public members appointed by the governor, one of whom is designated chair by the governor; three public members appointed by the president pro tempore of the senate; three public members appointed by the speaker of the house of representatives; one public member appointed by the minority floor leader of the senate, three public members appointed by the speaker of the house of representatives, one public member appointed by the minority floor leader of the house of representatives, two public members appointed by the chief justice of the New Mexico Supreme Court; one public member who is a Native American practicing attorney, appointed by the president of the State Bar of New Mexico; and a representative of a New Mexico victim assistance organization appointed by the governor. Members serve at the pleasure of the appointing authority. Membership shall reflect reasonable geographical and urban-rural balances and regard for the incidence of crime and the distribution and concentration of law enforcement services.

Powers and Duties: Section 9-3-10 NMSA 1978: holds meetings as necessary; hires staff; prepares an annual budget; establishes policies for the operation of the commission and the supervision of commission staff; advises the executive, judicial and legislative branches on policy matters relating to criminal and juvenile justice; makes recommendations to the legislature regarding proposed changes to law; annually assesses, monitors and reports to the legislature on

the impact of any enacted sentencing standards and guidelines on state and local correctional resources and programs and the need for further sentencing reform; develops proposed sentencing reform, including work specified in Section 9-3-10 NMSA 1978; monitors any enacted sentencing guidelines with respect to uniformity and proportionality; conducts research; creates a statistical database for simulating the impact of various sentencing policies; structures proposed sentencing guidelines; presents proposed legislation or recommendations regarding sentencing reform to the appropriate legislative interim committee; creates and maintains a data-sharing network to receive, store, analyze and disseminate data; provides data analysis; promulgates rules governing the data sharing network and data analysis; serves as a clearinghouse; reviews proposed legislation that creates a new criminal offense, changes the classification of an offense or changes the range of punishments for an offense and makes recommendations; and provides impact estimates for proposed legislation.

Section 9-3-10.1 NMSA 1978: inspects, copies, receives and reviews all records, data and information in the possession of state and local agencies, within limits. The commission shall promulgate rules for inspection, copying, receipt, review and reporting records, data and information.

Section 9-3-10.2 NMSA 1978: may accept grants, donations or gifts.

Section 31-18-15 NMSA 1978: provides an annual written report to the secretary of corrections, all criminal court judges, the Administrative Office of the District Attorneys and the chief public defender that specifies the average reduction in the sentence of imprisonment for serious violent offenses and nonviolent offenses due to meritorious deductions earned by prisoners during the previous fiscal year. The Corrections Department shall allow the commission access to department documents for this purpose.

Duplication, Similarity or Connection with Other Agencies: Corrections Department; New Mexico Sex Offender Management Board.

Category: Public Safety and Criminal Justice

Sex Offender Management Board, New Mexico

Statutory Reference: Section 9-3-13 NMSA 1978 (Corrections Department Act).

Organizational Status: Created within the New Mexico Sentencing Commission.

Policy or Advisory? Unspecified; however, the New Mexico Sentencing Commission shall vote to approve, disapprove or revise most of the board's work.

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Indirect through the New Mexico Sentencing Commission; statutory per diem and mileage.

Membership: Seventeen members, some of whom are members of the New Mexico Sentencing Commission. Members of the board who are not also members of the New Mexico Sentencing Commission are not voting members of the sentencing commission. Members include: the attorney general or designee; a district attorney appointed by the New Mexico District Attorney's Association; the chief public defender or designee; a district court judge appointed by the New Mexico District Court Judges Association [or its successor agency]; the secretary of corrections or designee; the secretary of health or designee; the secretary of children, youth and families or designee; the secretary of public education or designee; the secretary of Indian affairs or designee; and the secretary of public safety or designee. The governor appoints all public members, who are: a board member of a New Mexico victims organization; two mental health professionals, one of whom is a member of the Association for the Treatment of Sexual Abusers and one of whom is a juvenile sex offender treatment specialist; a representative from the Adult Probation and Parole Division of the Corrections Department with expertise in the supervision of sex offenders; a representative of the law enforcement community with expertise in sex offender community notification, registration, tracking and monitoring; a representative from a civil liberties organization; and a representative affiliated with a faith-based organization.

Powers and Duties: Section 9-3-13 NMSA 1978: reports quarterly to the New Mexico Sentencing Commission, which approves, disapproves or revises its recommendations; holds meetings at least eight times a year and otherwise as necessary; develops and prescribes a standard procedure for identification and evaluation of convicted sex offenders; develops and recommends guidelines and standards for treatment of sex offenders when they are placed on probation, incarcerated, placed on parole or placed in community corrections; creates a risk assessment screening tool and program to assist in sentencing; develops guidelines and standards for monitoring sex offenders undergoing evaluation or treatment; develops criteria for measuring a sex offender's progress in treatment; develops a standardized procedure for the identification

and evaluation of juvenile sex offenders; develops and recommends guidelines and standards for the treatment of juvenile sex offenders placed on probation, committed to a state agency, placed on parole or placed in a community corrections program; researches and analyzes safety issues; studies and considers the viability and legality of a civil commitment program for sex offenders; researches and determines the feasibility and legality of implementing indeterminate sentencing for sex offenders; studies the use of clinical polygraph testing as a means of evaluation; evaluates sex offender treatment programs administered by state agencies and recommends changes, if needed; and reviews the Sex Offender Registration and Notification Act and recommends changes, if needed.

Duplication, Similarity or Connection with Other Agencies: New Mexico Sentencing Commission.

Category: Sports

Athletic Commission, New Mexico

Statutory Reference: Section 60-2A-3 NMSA 1978 (Professional Athletic Competition Act).

Organizational Status: Administratively attached to the Regulation and Licensing Department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes; July 1, 2029.

Funding: General appropriation act; other state funds = Athletic Commission Fund; statutory per diem and mileage.

Membership: Five members appointed by the governor, three of whom have experience in professional sports and two of whom represent the public; no more than three shall be from the same political party. Terms are staggered four-year terms; members are limited to two full consecutive terms. Members cannot have any financial interest in any athletic contests.

Other: The commission has subpoena power.

The privilege tax provided in the act (on total gross receipts of any professional contest), as well as license fees, go to the Athletic Commission Fund.

Powers and Duties: Section 60-2A-4 NMSA 1978: meets at least twice a year; may adopt rules to carry out the provisions of the act; and prepares all forms of contracts between sponsors, licensees, promoters and contestants.

Section 60-2A-7 NMSA 1978: appoints members of the Medical Advisory Board.

Other provisions of the act: the commission has the sole direction, management, control and jurisdiction over all professional contests conducted in the state; may issue contest licenses and physician licenses; may suspend or revoke any license issued; and has subpoena power.

Duplication, Similarity or Connection with Other Agencies: Athletic Trainer Practice Board.

Category: Sports

Bicycle Racing Commission

Statutory Reference: Section 60-2D-3 NMSA 1978 (Bicycle Racing Act).

Organizational Status: Unspecified

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Would have been from the state's share of pari-mutuel wagering.

Membership: Three members appointed by the governor for six-year terms.

Other: The commission has never been constituted. The attorney general determined that the Bicycle Racing Act violates the federal Professional and Amateur Sports Protection Act.

The commission has subpoena power.

Powers and Duties: Section 60-2D-5 NMSA 1978: licenses all persons desiring to participate in bicycle racing at Keiren velodrome tracks in the state approved by the commission; supervises all licensees and all races and tracks; sets time, place and duration of all races; suspends or revokes licenses for violations of the rules of the commission; does all other things necessary; has all places where meets are held inspected at least once a year; requires all pari-mutuel meets held at Keiren velodrome tracks to be in accordance with commission rules; supervises the operations of pari-mutuel machines and equipment and the operations of all money rooms, accounting rooms and windows; supervises weighing and inspection of bicycles; and makes saliva and urine tests on racers.

Other powers and duties: hires an executive secretary and other employees; governs application procedures; supervises the direction and discipline of licensees; governs issuance, suspension and revocation of licenses; bars persons from bicycle racing and tracks; determines the distribution of gross receipts of all pari-mutuel wagers; set standards for holding, conducting and operating races, meets and tracks; and investigates complaints and enforces the act.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: Sports

Medical Advisory Board

Statutory Reference: Section 60-2A-7 NMSA 1978 (Professional Athletic Competition Act).

Organizational Status: Unspecified

Policy or Advisory? Advisory to the New Mexico Athletic Commission.

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes; July 1, 2030.

Funding: None; the statute requires that members serve without compensation.

Membership: Three physicians appointed by the commission; members shall have at least five years' experience in medical practice.

Other: Board meets only when needed; costs are absorbed by promoters.

Powers and Duties: Section 60-2A-7 NMSA 1978: prepares and submits to the commission standards for the physical and mental examinations of professional boxers, professional kickboxers, professional martial artists, professional mixed martial artists or sports entertainment wrestlers that safeguard their health; recommends physicians qualified to make examinations; and advises the commission as to physical and mental fitness of any individual professional boxer, professional kickboxer, professional martial artist, professional mixed martial artists or sports entertainment wrestler.

Duplication, Similarity or Connection with Other Agencies: New Mexico Athletic Commission.

Category: Sports

Racing Commission, State

Statutory Reference: Section 60-1A-3 NMSA 1978 (Horse Racing Act).

Organizational Status: Administratively attached to the Tourism Department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes

Sunset? Yes; July 1, 2027.

Funding: General appropriation act; statutory per diem and mileage.

Membership: Five members, no more than three of whom shall be members of the same political party, appointed by the governor and confirmed by the senate for six-year terms. All members of the commission hold at-large positions on the commission. At least three of the members of the commission shall be practical breeders of racehorses within New Mexico. Members shall have primary residence in New Mexico and be of high character and reputation so that public confidence in the administration of horse racing is maintained. Vacancies are filled by appointment by the governor for the unexpired term. A person is not eligible for appointment if the person is an officer, official or director in a corporation conducting horse racing within the state.

Other: The commission has limited subpoena power.

Powers and Duties: Section 60-1A-4 NMSA 1978: may: (1) grant, deny, suspend or revoke occupational licenses, secondary licenses and racetrack licenses, establish the terms for each classification of a racetrack license and set fees for submitting an application for a license; (2) exclude or compel the exclusion of a person from all horse racetracks deemed detrimental to the best interests of horse racing or who willfully violates the Horse Racing Act, a rule or order of the commission or a law of the United States or New Mexico; (3) compel production of documents, books and tangible items; (4) investigate the operations of a licensee and place a designated representative on the licensed premises to observe compliance with the Horse Racing Act and rules or orders of the commission; (5) employ staff to administer the act and employ staff with basic law enforcement training to be stationed at racetracks to maintain peace and order, enforce the law, conduct investigations and enforce the act or rules or orders of the commission; provided that staff employed with law enforcement training may not carry firearms or other deadly weapons while on duty for the commission; (6) summon witnesses and administer oaths; and (7) appoint a hearing officer to conduct hearings. The commission shall: (1) make rules to hold, conduct and operate all race meets and horse races held in the state and to identify and assign racing dates; (2) require certain information for each applicant on an

application for a license; (3) supervise and oversee the making of pari-mutuel pools and the distribution from those pools; (4) make on-site inspections of horse racetracks at reasonable intervals; (5) approve improvements proposed to be completed on the licensed premises of a horse racetrack, including extensions, additions or improvements of buildings, stables or tracks; (6) monitor and oversee the pari-mutuel machines and equipment at all horse races or race meets; (7) approve contracts for simulcasting, pari-mutuel wagering and capital improvements entered into by horse racetracks; (8) regulate the size of purses; (9) require background investigations of employees of a racetrack licensee; and (10) provide annual reports to the governor.

Section 60-1A-3 NMSA 1978: may appoint an executive director and establish the executive director's duties and compensation.

Section 60-1A-5 NMSA 1978: adopts rules to implement the Horse Racing Act and to ensure that horse racing in New Mexico is conducted with fairness and that the participants and patrons are protected against illegal practices on the racing grounds. The commission may suspend, revoke or deny renewal of a license of a person who violates the provisions of the Horse Racing Act or rules adopted pursuant to that act. The commission may impose civil penalties upon a licensee for a violation of the provisions of the Horse Racing Act or rules adopted by the commission. The fines shall not exceed $10,000 for each violation and shall be paid into the Current School Fund.

Section 60-1A-11 NMSA 1978: establishes by rule additional qualifications for licenses as it deems in the public interest; may deny or revoke an occupational license to applicants or licensees found to have administered or attempted or conspired to administer to a racehorse a prohibited substance as defined by the Association of Racing Commissioners International, Incorporated, or a successor or other nationally recognized organization with similar guidelines that are generally accepted in the horse racing industry; may suspend licenses and impose fines; and shall revoke for up to five years an occupational license if the licensee used or attempted or conspired to use an electrical or mechanical device, implement or instrument affecting the speed or stamina of a racehorse.

Section 60-1A-13 NMSA 1978: shall hire or contract with an equine health and testing advisor.

Section 60-1A-14 NMSA 1978: shall adopt rules applying to the handling of pre- and post-race, out-of-competition and necropsy testing of blood serum plasma, urine or other appropriate samples taken from racehorses; and shall contract with an independent laboratory to maintain a quality assurance program.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: Sports

Sports Advisory Committee

Statutory Reference: Section 9-15A-11 NMSA 1978 (Tourism Department Act).

Organizational Status: Advisory to the Sports Authority Division of the Tourism Department.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Indirect through the department; statutory per diem and mileage.

Membership: Members consist of the lieutenant governor or designee, who serves as chair of the committee, and 10 members of the public appointed by the governor. Members serve four-year terms and serve at the pleasure of the governor. Representation on the committee represents the demographics of New Mexico. No more than five public members shall be members of the same political party.

Powers and Duties: Section 9-15A-11 NMSA 1978: advises and supports the Sports Authority Division of the Tourism Department.

Duplication, Similarity or Connection with Other Agencies: Sports Authority Division; New Mexico Athletic Commission.

Category: Transportation

Cumbres and Toltec Scenic Railroad Commission

Statutory Reference: Section 16-5-3 NMSA 1978 (Cumbres and Toltec Scenic Railroad Act).

Organizational Status: Interstate agency authorized by the Cumbres and Toltec Scenic Railroad Compact with Colorado.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: General appropriation act; statutory per diem and mileage.

Membership: Two members from New Mexico and two members from Colorado. New Mexico members are appointed by the governor and serve at the governor's pleasure.

Other: Section 16-5-6 NMSA 1978: is exempt from provisions of the Personnel Act and Procurement Code.

Powers and Duties: Section 16-5-7 NMSA 1978: has all the powers necessary to carry out provisions of the Cumbres and Toltec Scenic Railroad Compact.

Section 16-5-9 NMSA 1978: has the authority to incur indebtedness for capital expenditures.

Section 16-5-11 NMSA 1978: may establish user fees.

Section 16-5-12 NMSA 1978: any interest collected by a financial institution for extending a loan to the commission is exempt from all taxes imposed by the state and political subdivisions.

Duplication, Similarity or Connection with Other Agencies: No

Category: Transportation

Health Standards Advisory Board

Statutory Reference: Section 66-5-6 NMSA 1978 (Motor Vehicle Code).

Organizational Status: Advisory to the Motor Vehicle Division of the Taxation and Revenue Department.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Indirect through the department; members receive a limited hourly rate in addition to per diem and mileage.

Membership: Five members of the healing arts professions appointed by the secretary of taxation and revenue with the assistance of the secretary of health.

Powers and Duties: Section 66-5-6 NMSA 1978: advises the secretary of taxation and revenue on physical and mental criteria and vision standards relating to the licensing of drivers and on individual applicants or licensees.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: Transportation

Highway Selection Committee

Statutory Reference: Subsection E of Section 13-1-121 NMSA 1978 requires committee to be created by rule (Procurement Code).

Organizational Status: Unspecified

Policy or Advisory? Advisory. The committee recommends professionals for state highway contracts. A different selection committee is created for each project.

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Unspecified; unclear whether per diem and mileage is statutory.

Membership: Unspecified

Powers and Duties: Section 13-1-120 NMSA 1978: evaluates statements of qualification and performance data submitted by at least three businesses; may conduct interviews and require public presentations; selects, ranked in order of qualifications, no fewer than three businesses deemed most highly qualified; and considers criteria specified in this section, not including price.

Duplication, Similarity or Connection with Other Agencies: Similar to selection committees required for architects, engineers, surveyors and landscape architects for state public works projects under the Facilities Management Division of the General Services Department.

Category: Transportation

Off-Highway Motor Vehicle Advisory Board

Statutory Reference: Section 66-3-1017 NMSA 1978 (Off-Highway Motor Vehicle Act).

Organizational Status: Advisory to the Department of Game and Fish [Department of Wildlife].

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Indirect through the department; statutory per diem and mileage.

Membership: Seven members appointed by the governor for staggered two-year terms as follows: one landowner living near a national forest or U.S. Bureau of Land Management property that is used extensively for recreational off-highway vehicle activity; one producer or one grazing permittee on public lands from the farming or livestock industry; one person from the off-highway motor vehicle industry; one off-highway motor vehicle user; one hunter or angler; one quiet recreationalist, such as a hiker, backpacker, birdwatcher, equestrian, mountain biker, rock climber or archaeological enthusiast; and one member with expertise in injury prevention or treatment. The board shall select a chair and vice chair. The board meets at the call of the chair but not less than twice annually. No more than four terms expire in any one year. The board members select by lot four members to serve initial terms of three years each.

Powers and Duties: Section 66-3-1017 NMSA 1978: advises the department on matters related to administration of the Off-Highway Motor Vehicle Act.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: Transportation

Traffic Safety Bureau Advisory Committee

Statutory Reference: Section 66-7-505 NMSA 1978 (Traffic Safety Act).

Organizational Status: Advisory to the Traffic Safety Bureau of the Department of Transportation.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Unspecified; statutory per diem and mileage.

Membership: Members as follows: the chief of the Traffic Safety Bureau is an ex-officio member, serves as the chair and is a voting member. The governor appoints three members: one who is representative of the law enforcement agencies of the state, one who is representative of the school bus transportation function of the Public Education Department and one from the New Mexico State Police Division of the Department of Public Safety. Appointed members' terms are coterminous with that of the governor.

Powers and Duties: Section 66-7-511 NMSA 1978: meets to study and evaluate all applications for federal grants.

Duplication, Similarities or Connection with Other Agencies: Department of Transportation.

Category: Transportation

Transportation Commission, State

Statutory Reference: Article 5, Section 14 of the Constitution of New Mexico; Sections 67-3-1 through 67-3-22 NMSA 1978.

Organizational Status: Constitutional commission that determines all policy for the Department of Transportation, which is a cabinet department with a secretary appointed by the governor.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes

Sunset? No

Funding: General appropriation act; statutory per diem and mileage in the department's budget.

Membership: Six members appointed by the governor with the advice and consent of the senate to serve staggered six-year terms. Members are appointed from the six State Transportation Commission districts and are required to live in their districts; change of residence outside a member's district automatically terminates the term of that commissioner. The governor submits the names of the commissioners for confirmation not later than the thirtieth day of each regular session of the legislature. No commissioner is appointed without confirmation by the senate, except that in the case of a vacancy, the governor may appoint a commissioner to fill a vacancy until the next regular session of the legislature, at which time an appointment shall be made for the balance of the unexpired term.

Other: If the governor refuses or fails to submit the names of the state transportation commissioners for confirmation, the senate appoints and confirms the state transportation commissioners.

The commission has the power of eminent domain, but it shall not use that power to acquire land to be developed or operated by a private entity.

Powers and Duties: Section 67-3-2 NMSA 1978: the commission has the power to determine all matters of policy for the Department of Transportation; see "**Other**" below.

Other: Except for powers expressly granted to the state transportation commissioners in Chapter 67, Article 3 NMSA 1978, the Department of Transportation shall exercise all the power, authority and duty granted to the State Transportation Commission in Chapter 67 NMSA 1978. All references contained in the NMSA 1978 to the "state transportation commission" or

"commissioners" shall, wherever appropriate, be construed to refer to or to mean the department.

Section 67-3-11 NMSA 1978: makes all rules and regulations as may be necessary to carry out the provisions of Chapter 67 NMSA 1978.

Section 67-3-12 NMSA 1978: may declare abandoned and close all railroad grade crossings to public traffic once they have been replaced with safer crossings; may offer and pay rewards leading to convictions of theft or defacement of highway signs; prescribes rules on the conditions for placement of utility lines or ditches across public rights of way; employs an attorney; may conduct, permit or authorize commercial enterprises or activities on department-owned or commission-owned land or land leased to or from the department; brings legal action to affect condemnation proceedings; and designates an acting secretary when the secretary is absent from Santa Fe.

Section 67-3-14 NMSA 1978: has control over expenditure of the State Road Fund.

Duplication, Similarity or Connection with Other Agencies: Department of Transportation.

Legislative Council Service
411 State Capitol
Santa Fe, NM 87501
(505) 986-4600
www.nmlegis.gov
202.234956