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FISCAL IMPACT REPORT

SPONSOR: Coll DATE TYPED: 2/26/03 HB 810

SHORT TITLE: State Highway Commissioner Appointments SB _____

ANALYST: Reynolds-Forte

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
		See Significant Issues			

(Parenthesis () Indicate Expenditure Decreases)

Conflicts with SB652

SOURCES OF INFORMATION

Responses Received From
State Highway and Transportation Department

SUMMARY

Synopsis of Bill

HB 810 makes changes to the structure of the State Highway Commission. It eliminates the current six commission districts and provides for the governor to appoint two commissioners from each congressional district, with the advice and consent of the senate. The current staggered six-year terms for commissioners are eliminated, and new language provides that commissioners shall serve at the pleasure of the governor.

The bill also changes how commissioners may be removed from office. Current law requires commissioners shall not be removed except for incompetence, neglect of duty or malfeasance in office, and removal requires approval of the Senate. HB810 provides that commissioners serve at the pleasure of the governor and provides that commissioners may be removed by a joint resolution approved by two-thirds of each house of the legislature.

The bill contains a temporary provision that the terms of commissioners holding office on June 30, 2003 expire on July 1, 2003.

Significant Issues

The State Highway and Transportation Department notes that currently, as provided in Section 67-3-8 NMSA 1978, the SHTD, with the approval of the commission, is organized into six operational highway districts, with six district professional engineers. As a matter of consistency and continuity, and likely the legislative intent, these districts are coterminous with the six commission districts eliminated by this bill.

The entire operational aspect of the SHTD is built and organized upon these operational highway district boundaries, including construction, maintenance and traffic services. Maintenance patrols, including snow removal and emergency response activities, are a part of this organization.

If this bill is adopted, and commission districts become coterminous with the three congressional districts, the current continuity and consistency between operational highway districts and commission districts is lost. For example, congressional district 1 includes portions of highway districts 3 and 5, congressional district 2 includes portions of highway districts 1, 2, 3, 4, and 6, and congressional district 3 includes portions of highway districts 2, 3, 4, 5, and 6.

CONFLICT

HB810 conflicts with SB 652 which provides that commissioners serve at the pleasure of the governor but does not change the district boundaries for commissioners.

PRF/yr/njw