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FISCAL IMPACT REPORT

SPONSOR Miera DATE TYPED 02/10/04 HB 161/aHEC

SHORT TITLE Repeal Education Department Transition Laws SB _____

ANALYST Baca

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY04	FY05	FY04	FY05		
	NFI				

(Parenthesis () Indicate Revenue Decreases)

Duplicates sections of HB 96 & HB 151

SOURCES OF INFORMATION

LFC Files

Responses Received From

New Mexico Public Education Department (PED)

SUMMARY

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

Synopsis of HEC Amendment

The House Education Committee amendments:

- Makes July 1, 2004 the effective date for repeal of Laws of 2003, Chapter 143, Sections 1 and 3; and adds the following:
- “Repeal. – Laws of 2003, Chapter 143, Section 2 is repealed.”

Synopsis of Original Bill

HB 161 repeals Laws 2003, Chapter 143, which repealed certain articles of the Public School Code and provided for the transition of the Public Education Department (PED) upon adoption of Constitutional Amendment 1 of 2003.

The bill declares an emergency.

Significant Issues

This bill repeals a temporary provision of law until July 1, 2004, contingent upon adoption of the amendment to Article XII, Section 6 of the Constitution of New Mexico. The temporary provision provides that all references in law to the New Mexico State Board of Education (SBE) or the State Superintendent of Public Instruction shall mean the Secretary of Public Education appointed by the Governor, authorizes the Secretary to expend appropriations, provides that the Secretary shall not establish new policy for the public schools without first consulting with the Public Education Commission (PEC), provides that all references to the State Department of Public Education (SDE) mean the PED and provides that the PED shall consist of the same personnel and property and perform those duties and exercise those powers as provided by law for the SDE.

Section 2 contains a delayed repeal, effective July 1, 2004, of Articles 1 (General Provisions), 2 (State Board of Education), 13 (Courses of Instruction and School Programs), 13A (previously repealed) and 15 (Instructional Material) of Chapter 22 NMSA 1978.

ADMINISTRATIVE IMPLICATIONS

The PED reports the department will experience an initial administrative impact as the transition is made to being a cabinet level agency.

RELATIONSHIP

HB 96 and S B 151 propose to enact the Public Education Department Act and also provide for the repeal of Laws 2003, Chapter 143. Neither HB 96 nor SB 151 bill contains an emergency clause

LB/dm:lg