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FISCAL IMPACT REPORT

SPONSOR Rodella **DATE TYPED** 02/21/05 **HB** 211/aHGUAC

SHORT TITLE Public Safety Interim Oversight Committee **SB** _____

ANALYST Peery

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Response Received From

Administrative Office of the District Attorneys (AODA)
Department of Public Safety (DPS)

No Response

Administrative Offices of the Courts (AOC)
New Mexico Sentencing Commission (NMSC)

SUMMARY

Synopsis of Amendment

The House Government and Urban Affairs Committee amends on page 3, lines 7 through 14, by removing paragraph 1 and 2 and inserting the following: “(1) have the opportunity to review any rules adopted by the secretary of public safety; (2) monitor and oversee the department of public safety’s coordinative efforts with the office of the homeland security advisor as created by executive order of the governor to address New Mexico’s response plans and readiness to terrorist threats, attacks or incidents; and”. The amendment removes language pertaining to monitoring and overseeing the operations and administration of the programs, duties, services, personnel policies and law enforcement and investigative funds of the Department of Public Safety. It also removes language pertaining to the review of issues related to the management, coordination and use of state resources and manpower in responding to New Mexico’s public safety needs and problems. Also, the amendment removes Subsections C and D in their entirety. The amendment removes language pertaining to the committee having the power to conduct hearings and admin-

ister oaths. Language was also removed pertaining to DPS and every other state agency and political subdivision of the state to upon request furnish and make available information requested by members of the committee or its staff.

Synopsis of Bill

House Bill 211 creates the Department of Public Safety Oversight Committee as a joint interim legislative committee. The committee would monitor and oversee the operations and administration of the programs, duties, services, personnel policies and law enforcement and investigative functions of the Department of Public Safety; review issues related to the management, coordination and use of state resources and manpower in responding to New Mexico's public safety needs and problems; and examine the statutes, constitutional provisions, rules and court decisions governing the Department of Public Safety. The proposed legislation gives the committee subpoena power.

This bill contains an emergency clause.

PERFORMANCE IMPLICATIONS

DPS states the proposed legislation would significantly disable the agency from functioning at the cabinet level. DPS reports the proposed legislation would give the interim committee absolute authority to run an agency of the executive department of government.

DPS strongly objects to the proposed legislation granting the power to subpoena to the committee. DPS states because there are no limitations set forth in the bill, the interim committee could acquire documents and materials which should normally be shielded under the doctrine of Executive Privilege.

RLP/lg