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FISCAL IMPACT REPORT

SPONSOR Griego ORIGINAL DATE 1-23-07 HB _____
 LAST UPDATED _____
 SHORT TITLE Public Safety and Security Interim Committee SB 272
 ANALYST Woods

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
NFI	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Public Safety (DPS)
 New Mexico Corrections Department (NMCD)
 Department of Military Affairs (DMA)

SUMMARY

Synopsis of Bill

Senate Bill 272 seeks to create an “Oversight Committee” which would function as a joint interim legislative committee for the Department of Public Safety Homeland Security. The proposed legislation would task the committee with monitoring and overseeing the operation and administration of the programs, duties, services, personnel, policies and law enforcement and investigative functions of the Department of Public Safety and Homeland Security; reviewing 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 examining the statutes, constitutional provisions, rules and court decisions governing the Department of Public Safety and Homeland Security. The proposed legislation gives the committee authority to conduct hearings and administer oaths, as well as the power to subpoena, which may be enforced through any district court of the state.

This bill carries emergency language.

SIGNIFICANT ISSUES

The Department of Public Safety (DPS) states the proposed legislation would, if enacted, “significantly disable the DPS from functioning as a cabinet level agency. As drafted, the proposed legislation would give the interim committee absolute authority to be run this Agency of the executive department of government.”

DPS additionally objects to the proposed legislation granting the power to subpoena to the committee. DPS states that “Because there are no limitations set forth in the bill, the interim committee could acquire documents and material which should normally be shielded under the doctrine of Executive Privilege. This would constitute an unconstitutional encroachment by the legislative branch of government on the executive

BW/mt