

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: CS/SB 158a

50th Legislature, 1st Session, 2011

Tracking Number: .185749.1

Short Title: Repeal Certain Boards & Commissions

Sponsor(s): Senator Lynda M. Lovejoy and Representative Paul C. Bandy

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**SENATE RULES COMMITTEE SUBSTITUTE FOR
SENATE BILL 158**

AS AMENDED

The Senate Public Affairs Committee amendments strike:

- **the sections of the bill that eliminate the Mathematics and Science Advisory Council; and**
- **the subsection of the bill that repeals the *Music Commission Act*.**

Original Bill Summary:

CS/SB 158 amends numerous sections of state law applicable to boards, commissions, committees, and councils – in some cases changing membership or duties and in other cases eliminating certain entities altogether. For example, CS/SB 158:

- eliminates the New Mexico Athletic Commission;
- restricts the membership of the Behavioral Health Planning Council;
- eliminates the Next Generation Council established under the *Children's Trust Fund Act*;
- eliminates the Martin Luther King, Jr. Commission and reassigns its duties to the Office on African American Affairs; and
- eliminates the Child Development Board.

Several of the amendments in CS/SB 158 affect educational entities, as the bill:

- eliminates the Higher Education Advisory Board;
- amends the *Mathematics and Science Education Act* to eliminate the Mathematics and Science Advisory Council; and

- repeals that section of the *Public School Code* creating the Family and Youth Advisory Committee.

Finally, SB 158 repeals numerous acts and sections of law, among them:

- the *New Mexico Film Museum Act*;
- the *Intertribal Ceremonial Act*;
- the *Music Commission Act*; and
- the *Children’s Cabinet Act*.

Fiscal Impact:

CS/SB 158 does not contain an appropriation.

As noted under “Substantive Issues,” below, the original SB 158 reflected recommendations of the Government Restructuring Task Force (GRTF). During their discussion of these recommendations, GRTF members acknowledged that these recommendations would focus more on efficiency than cost-savings.

In its fiscal impact report of the original bill, which deleted more entities than the committee substitute, the Legislative Finance Committee estimated overall savings during FY 12 of nearly \$1.3 million.

In addition, those agency analyses of the original bill that do project cost savings anticipate minimal amounts. To illustrate:

- the analysis by the Corrections Department predicts a savings of \$15,000 per year through the elimination of the Correction Industries Commission; and
- the analysis by the Public Education Department (PED) says that the travel costs of the Math and Science Advisory Council “have been minimal” and that no one has ever claimed travel costs for the Family and Youth Resource Committee.

Substantive Issues:

The provisions of the original SB 158 began as recommendations of a subcommittee on boards and commissions that the Chair of GRTF appointed. At the October meeting, GRTF adopted the report of this subcommittee, though without adopting the recommendations themselves. Then later in the interim, during the December meeting, GRTF reviewed all the recommendations and adopted selected ones, as reflected in the original SB 158 and now in CS/SB 158.

At the request of GRTF, the Legislative Education Study Committee (LESC) reviewed the two recommendations noted above that affect public education: to eliminate the Mathematics and Science Advisory Council; and to eliminate the Family and Youth Advisory Committee. In each case, the LESG’s response was to question the rationale for eliminating the entity and the cost savings that would result.

In response to the elimination of the Higher Education Advisory Board, the analysis of the original SB 158 by the Higher Education Department alludes to the board's role of advising the Governor and the department on policy matters, noting in particular that the board assembles participants from the research universities, the comprehensive universities, the two-year colleges, and the private, tribal and for-profit colleges; and that it provides a forum for all educational entities.

Background:

Legislation enacted in 2010 (HB 237, or Laws 2010, Chapter 101, with the emergency clause) created the Government Restructuring Task Force (GRTF), a 17-member body that was charged to examine all of state government and to make recommendations leading to increased efficiencies and reduced costs.

Among its more specific duties, GRTF was directed to:

- study “the current resources of the state’s agencies, programs, services, funding and policies and the public needs served by them”;
- study the recommendations, initiatives, and statutory changes that occurred between 1975 and 1978 in reorganizing state government;
- examine “the statutes, constitutional provisions, rules and court decisions governing state government and reorganization and recommend legislation or changes”; and
- solicit public input.

The membership of the task force comprised:

- five House members appointed by the Speaker of the House and five Senate members appointed by the President Pro Tempore of the Senate, in both cases so that the two major political parties in each house have the same proportional representation on the task force as in the respective house;
- six public members who possess expertise in public and private sector organizational structure and who reflect the ethnic, cultural, and geographic diversity of the state, three appointed by the Speaker of the House and three by the President Pro Tempore of the Senate; and
- the Secretary of Finance and Administration.

In addition to these members prescribed by law, the task force included eight advisory members: four representatives and four senators, appointed by the leader of each house, respectively.

Among its other provisions, the legislation:

- required the Department of Finance and Administration (DFA) and “the various agencies of the state” to cooperate with the task force “and provide the task force with information regarding budget, staffing, organizational structure and other information” as requested; and

- required the Legislative Council Service, the Legislative Finance Committee, the LESC, and DFA to provide the staff for the task force.

Finally, beginning with its first meeting in April 2010, GRTF met at least once each month during the interim to hear a wide variety of testimony and to consider recommendations for legislation during the 2011 session.

Related Bills:

HB 88 *Executive Branch Entity Sunsets*

HB 106 *Extend Certain Board & Commission Sunsets*

*HB 130 *Extend Government Restructuring Task Force*