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FISCAL IMPACT REPORT

SPONSOR Cisneros **ORIGINAL DATE** 2/4/19
LAST UPDATED _____ **HB** _____

SHORT TITLE Board & Commission Sunset Date **SB** 356

ANALYST Leger/Torres

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		See Fiscal Implication				

(Parenthesis () Indicate Expenditure Decreases)

Relates to Appropriation in the General Appropriation Act
 Relates to SB 109

SOURCES OF INFORMATION

LFC Files

Responses Received From

Regulation and Licensing Department (RLD)
 Energy, Minerals and Natural Resources Department (EMNRD)
 New Mexico Environment Department (NMED)

SUMMARY

Synopsis of Bill

Senate Bill 356 extends the termination date for the following boards until July 1, 2023:

- Board of Nursing Administrators;
- Board of Barbers and Cosmetologists;
- Board of Landscape Architects;
- Coal Surface Mining Commission; and
- Water Quality Control Commission

The boards and commissions shall continue to operate according to their provisions until July 1, 2024.

The effective date of the provisions is July 1, 2019.

FISCAL IMPLICATIONS

The Board of Nursing Administrators, Board of Barbers and Cosmetologists, and Board of Landscape Architects are administratively attached to the Regulation and Licensing Department (RLD). The Water Quality Control Commission is administratively attached to the New Mexico Environment Department (NMED) and the Coal Surface Mining Commission (CSMC) is administratively attached to the Energy, Minerals and Natural Resources Department (EMNRD). According to EMNRD, the CSMC does not have a separate budget; any costs of holding meetings and paying per diem are covered under the Mine Reclamation program in the EMNRD budget and paid for with federal grant funds.

The boards listed in the table below are funded through the General Appropriation Act within the Regulation and Licensing Department. Assuming the extension of the boards the fiscal implication is neutral.

	FY18 Actual	FY19 OpBud	FY19 Request
Board of Nursing Administrators	28.7	50.8	50.8
Board of Barbers and Cosmetologists	913.2	1073.6	1103.6
Board of Landscape Architects	19.3	27.5	27.5

Source: LFC Files

ADMINISTRATIVE IMPLICATIONS

The Board of Nursing Administrators licenses and regulates nursing home administrators by setting professional and educational standards. They investigate complaints and take disciplinary actions when professional and ethical standards are violated.

The Board of Barbers and Cosmetologists regulates Barbers, Cosmetologists, Esthetician, Electrologist, Manicurists/Pedicurists and Board Approved Schools. It sets professional, training and hygienic standards to ensure customers receive quality services.

The Landscape Architects Board regulates landscape architects who research, design, and prepare drawings and specifications to preserve or enhance land use and natural features; design trails, plantings and landscape irrigation or the location and construction of approaches for structures, pathways or walkways.

NMED states the basic authority for water quality management in New Mexico is provided through the State Water Quality Act (WQA). Pursuant to the WQA, the Water Quality Commission (WQCC) is the state water pollution control agency for the State for all purposes of the federal Clean Water Act and the wellhead protection and sole source aquifer programs of the federal Safe Drinking Water Act. The WQCC’s powers and duties include adoption of a comprehensive water quality management program, the development of a continuing planning process, the administration of certain loans and grants from the federal government, the adoption of water quality standards, and the adoption of regulations “to prevent or abate water pollution in the state or in any specific geographic area or watershed of the state...or for any class of waters.” Furthermore, the protection of New Mexico’s water quality and the other duties previously described are ongoing necessities for the State. Without the Water Quality Commission, New Mexico’s water quality would not be protected, water pollution would not be prevented or abated, federal loans and grants would not be administered, and water quality standards would not be updated and adopted. Additionally, the Utility Operator Certification Act would need to

be administered and enforced by another State governmental body.

According to EMNRD, pursuant to the federal Surface Mining Control and Reclamation Act and the New Mexico Surface Mining Act, the Coal Surface Mining Commission (CSMC) was established to regulate coal mining. The CSMC continues the necessary function of adopting and filing regulations as are required to implement the NM Act, to ensure that New Mexico's coal program remains in compliance with SMCRA, to update standards and to address changes in federal or state law.

TECHNICAL ISSUES

EMNRD brings forth the following:

NMSA 1978, Section 69-25A-4, contains a provision that the CSMC will perform duties relating to appeals from the decisions of the Director of the Mining and Minerals Division as specified in Section 69-25A-29. The authority of the CSMC to hear such appeals was removed from Section 69-25A-29 during the last agency renewal. That change to the Commission's authority was proposed by EMNRD and adopted by the Legislature in 2005.

OTHER SUBSTANTIVE ISSUES

RLD requests changes to the Barbers and Cosmetologists Act and the Uniform Licensing Act to allow the Board to take immediate action against a licensed establishment if the board determines that the establishment poses an immediate threat to the health and safety of the public due to the establishment's failure to comply with safety and infection control standards.

EMNRD reports, after a series of bankruptcies by major coal companies, concerns have been raised about the adequacy of regulations addressing financial assurance for coal mine reclamation. Initially, the federal government began an investigation into the need for regulatory change but then abandoned the study. The issue is now before the states. In New Mexico, the Coal Surface Mining Commission would be the entity that could enact regulations on this issue.

RELATIONSHIP

Senate Bill 109 increases the duration of a license issued to a barber, hairstylist, cosmetologist, instructor, esthetician, manicurist-pedicurist or electrologist from one to two years and increases the fee amount from \$50 - \$100.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The noted boards and commissions would terminate. Termination would result in significant uncertainty for both regulators and the regulated community.

JL/IT/gb