

Government Structure — 1977 and Now

Prior to 1977, New Mexico had an extremely diffuse executive that included not only several elected officials, but numerous independent boards and commissions. By count of the 1977 reorganization study, there were 395 separate departments, agencies, boards, commissions and other official instrumentalities of the executive branch.

Opponents of a diffuse executive argue that it dilutes the governor's ability to manage; compromises the legislature's appropriation process; and hinders the public's access to accountable, efficient and effective government. The legislature's and the governor's abilities to demand direct and immediate accountability by state employees also may be particularly curtailed when boards made up of citizens determine policy.

The 1977 reorganization of the executive branch was driven in no small part by this proliferation of executive boards, commissions, councils, committees and agencies that muddled lines of authority, diminished the programmatic effect of appropriations, wasted tax dollars, inhibited public access and contravened accountability. That reorganization instituted a cabinet-style executive organization, with most governmental functions assigned to cabinet departments. Most independent boards, commissions and agencies were subsumed under departments that were under the control of secretaries who were appointed by the governor with the advice and consent of the senate.

However, it was not very long before the state was again faced with a burgeoning executive bureaucracy. Currently, there are 23 cabinet departments, up substantially from the 12 proposed to the 1977 legislature. In addition, there are now close to 250 boards, commissions, committees and councils — created either by statute or executive order.

Elected Officers of the Executive Branch

Governor

Lieutenant Governor

Secretary of State

Attorney General

Commissioner of Public Lands

State Treasurer

State Auditor

Public Regulation Commission

Public Education Commission (the 2003 constitutional amendment downplayed the role of the commission in favor of the cabinet-level public education department)

Cabinet Departments

There are 23 departments created pursuant to the Executive Reorganization Act that make up the executive cabinet headed by the governor, which consists of the lieutenant governor and the secretaries of the cabinet-level departments.

The cabinet:

- (1) advises the governor on problems of state government;
- (2) establishes liaisons and provides communication between the executive departments and state elected officials;
- (3) investigates problems of public policy;
- (4) studies government performance and recommends methods of interagency cooperation;
- (5) reviews policy problems and recommends solutions;
- (6) strives to minimize and eliminate overlapping jurisdictions and conflicts within the executive branch; and
- (7) assists the governor in defining policies and programs to make the government responsive to the needs of the people.

The departments are:

- (1) the aging and long-term services department;
- (2) the New Mexico department of agriculture (constitutional, under control of the New Mexico state university (NMSU) board of regents);
- (3) the children, youth and families department;
- (4) the corrections department;
- (5) the cultural affairs department;
- (6) the economic development department;
- (7) the energy, minerals and natural resources department;
- (8) the department of environment;
- (9) the department of finance and administration;

- (10) the general services department;
- (11) the department of health;
- (12) the higher education department;
- (13) the homeland security and emergency management department;
- (14) the human services department;
- (15) the Indian affairs department;
- (16) the department of information technology;
- (17) the public education department (constitutional);
- (18) the department of public safety;
- (19) the taxation and revenue department;
- (20) the tourism department;
- (21) the department of transportation;
- (22) the workforce solutions department; and
- (23) the veterans' services department.

There are three other departments that are not cabinet departments: the department of game and fish (carries out policy directives of the state game commission; administratively attached to the energy, minerals and natural resources department), the department of military affairs and the regulation and licensing department.

Boards of Regents

Although appointed by the governor, boards of regents of constitutionally created schools have absolute control over their institutions. Members serve six-year terms and may only be removed for incompetence, neglect of duty or malfeasance in office. The supreme court has exclusive original jurisdiction over proceedings to remove members.

Colleges: northern New Mexico state school (2005 law changed the school's name for convenience to northern New Mexico college; the college is moving to be a four-year institution, even a university) and New Mexico military institute.

Special Schools: New Mexico school for the deaf and New Mexico school for the blind and visually impaired.

Universities: eastern New Mexico university (ENMU), New Mexico highlands university, New Mexico institute of mining and technology, NMSU, university of New Mexico (UNM) and western New Mexico university.

In addition to the constitutional schools, there are branch and independent community colleges.

Branches: UNM: Gallup, Los Alamos, Valencia and Taos; NMSU: Alamogordo, Carlsbad, Dona Ana and Grants; and ENMU: Roswell and Ruidoso.

Independent Community Colleges: Santa Fe community college, central New Mexico community college, Luna community college, Mesalands community college, New Mexico junior college, San Juan college and Clovis community college.

Other State Institutions

Control of state institutions is provided by law.

Penitentiary of New Mexico — governor (corrections department)

Miners' hospital — board of trustees appointed by governor, confirmed by senate

New Mexico state hospital — governor (department of health) (2005 name change for convenience to New Mexico behavioral health institute at Las Vegas)

New Mexico boys' school — governor (children, youth and families department)

The girls' welfare home — governor (children, youth and families department)

Carrie Tingley crippled children's hospital — UNM board of regents

Los Lunas mental hospital — governor (department of health; facility closed)

Other Boards, Commissions, Committees, Councils and Task Forces

Each cabinet department has statutory authority to create advisory committees, which are usually ad hoc committees. The federal government also requires departments or the governor to create boards, commissions, committees or councils for federal aid purposes, e.g., the state rehabilitation council for the blind, the state rehabilitation council (vocational rehabilitation) and the statewide independent living council are required pursuant to the federal Rehabilitation Act of 1973; the recreational trails program advisory board is part of the federal recreational trails program of the U.S. department of transportation; the advisory council on early childhood education and care is required pursuant to the federal Head Start Act and the New Mexico

historical records advisory board is a mandate of the federal national historical publications and records commission.

The current governor has been quite active in creating boards, commissions, councils and task forces through executive orders. A partial list of those include: New Mexico centennial of statehood task force, New Mexico data warehouse council (public and higher education), domestic violence leadership commission, New Mexico drought task force, drug enforcement advisory council, governor's state-tribal DWI task force, local E-911 level advisory council, state E-911 coordinating committee, fair and equal pay for all New Mexicans initiative, governor's finance council, governor's Hispanic affairs council, governor's task force on prison reform, New Mexico rodeo council, water cabinet, governor's blue ribbon task force on water and governor's women's health advisory council. This is not a complete list of all executive order bodies, and not all bodies are extant.