

**INVENTORY
OF
STATUTORY EXECUTIVE
BOARDS AND COMMISSIONS**

**LEGISLATIVE COUNCIL SERVICE
2010 Update**

LEGISLATIVE COUNCIL SERVICE INVENTORY OF STATUTORY EXECUTIVE BOARDS AND COMMISSIONS

This publication began in response to Senate Joint Memorial 46 of the 1995 legislative session, which expressed the legislature's concern over the proliferation of boards and commissions in the executive branch. The legislative council service continues to maintain the inventory as a basic research and information tool for the legislature, the executive and the general public. The original purpose of the inventory was to provide specific information to the legislature about the cost and possible duplication of executive boards and commissions; cost information is no longer compiled, as it becomes outdated too quickly.

Historical Perspective

Prior to 1977, New Mexico had an extremely diffuse executive that included not only several elected officials, but numerous independent boards and commissions. 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 the 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. In response, the legislature passed Senate Joint Memorial 46 of the 1995 legislature. That memorial requested the legislative council to name an interim committee to study the consolidation, merger or elimination of executive branch boards and commissions. Believing that basic research was needed before an interim committee could proceed, the legislative council assigned the legislative council service the task of compiling information on advisory, administratively attached and adjunct boards, commissions, committees, councils and similarly constructed agencies of state government.

The *Inventory of Statutory Executive Boards and Commissions* is provided to the legislature, the executive and the public as a starting point to understanding the complex organizational structure of the executive branch.

Criteria for Inclusion in Inventory:

The inventory includes executive boards, commissions, committees and councils that are administratively attached to cabinet departments or that are adjunct or otherwise not under the direct control of the governor, as well as constitutionally created bodies such as the boards of regents, the public regulation commission, the public education commission and the state transportation commission. It also includes advisory boards and committees provided for by statute.

Inventory Design:

The inventory is divided into subject categories as follows:

- ▲ agriculture
- ▲ commerce and industry, which includes economic development and labor
- ▲ cultural affairs
- ▲ education, higher
- ▲ education, other
- ▲ education, public
- ▲ environment and natural resources
- ▲ general government
- ▲ health and human services
- ▲ instrumentalities
- ▲ military affairs
- ▲ professional and occupational boards and commissions
- ▲ public safety and criminal justice
- ▲ sports
- ▲ transportation.

For each organization, the inventory provides:

- (1) the statutory reference, if applicable;
- (2) organizational status, if provided in statute;
- (3) whether it is a policy or advisory organization;
- (4) whether the legislature has provided rule-making authority;
- (5) whether the organization is required by federal statute, rule or grant;
- (6) whether senate confirmation is required;
- (7) funding sources for the organization;

(8) membership, if applicable, and length of terms, appointing authority and other information relative to the body;

(9) other pertinent information;

(10) the powers and duties of the organization, though the list is not intended to be exhaustive; and

(11) whether research can identify duplication, similarity or connections with other governmental entities.

Terms:

Advisory means the entity gives advice only and cannot directly affect the operation of state government or a program of state government.

Policy means the entity has been given substantive powers and duties by the legislature and it can direct the operations of a state agency or state program.

Regulatory authority means the legislature has granted the power to adopt rules.

Federal mandate means federal law, rule or grant program requires the existence of the entity.

No direct appropriation means the organization is not identified in the general appropriation act.

2010 Update Additions and Deletions:

In the 2010 update, several boards, commissions and task forces were either added or deleted. Following is a list of those changes. Please note that there are other changes to existing boards and commissions pertaining to membership and powers and duties that are not practical to summarize in this introduction.

Deletions:

New Mexico coin commission (expired July 1, 2008), competitive sealed proposal advisory committee (deleted 2007), emergency management task force (repealed 2007), family opportunity accounts council (replaced by individual development account council), income support division advisory board, juvenile parole board (repealed 2009, replaced by juvenile public safety advisory board), Mining Act advisory committee, natural resource revenue recovery task force (repealed July 1, 2010), private investigators and polygraphers advisory board (replaced by private investigations advisory board), board of technology research collaborative (repealed 2009) and sports authority (repealed 2007, replaced by sports authority division of the economic development department).

Additions:

State council for interstate adult offender supervision, alternative dispute prevention and resolution advisory council, animal sheltering board, colonias infrastructure board, data system council, domestic violence homicide review team, domestic violence leadership commission, exposition center authority, firefighters' survivors supplemental death benefits review committee, Hispanic education advisory council, hospital-acquired infection advisory committee, task force to combat human trafficking, individual development account council, information technology rate committee, interoperability planning commission, juvenile public safety advisory board, state council for interstate juvenile supervision, land grant council, main street revolving loan committee, mathematics and science advisory council, medical imaging and radiation therapy advisory council, medical use of cannabis advisory board (no statutory name), military children education compact state council, music commission, New Mexico-Sonora commission, polysomnography practice advisory committee, private investigations advisory council, renewable energy transmission authority, signed language interpreting practices board, sports advisory committee, board of trustees of New Mexico veterans museum, voting system certification committee and office of the governor's council on women's health.

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 and consisting 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 liaison 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) aging and long-term services department;
- (2) department of agriculture (constitutional, under control of NMSU board of regents);
- (3) children, youth and families department;
- (4) corrections department;
- (5) cultural affairs department;
- (6) economic development department;
- (7) energy, minerals and natural resources department;
- (8) department of environment;
- (9) department of finance and administration;
- (10) general services department;
- (11) department of health;
- (12) higher education department;
- (13) homeland security and emergency management department;
- (14) human services department;
- (15) Indian affairs department;
- (16) department of information technology;
- (17) public education department (constitutional);

- (18) department of public safety;
- (19) taxation and revenue department;
- (20) tourism department;
- (21) department of transportation;
- (22) workforce solutions department; and
- (23) veterans' services department.

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

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

Universities: eastern New Mexico university, New Mexico highlands university, New Mexico institute of mining and technology, New Mexico state university, university of New Mexico and western New Mexico university.

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 advisory board is part of the federal recreational trails program of the U.S. department of transportation; the early childhood education and care council is required pursuant to the Head Start Act; and the historic 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 state drought task force, New Mexico drug enforcement advisory council, governor's state-tribal DWI task force, E-911 local level advisory council, E-911 state 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, rodeo council, water cabinet, governor's blue ribbon task force on water and governor's health advisory council. This is not a complete list of all executive order bodies and not all bodies are still extant.

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Category: Agriculture

Acequia Commission

Statutory Reference: Section 73-2-65 NMSA 1978.

Organizational Status: Administratively attached to local government division of department of finance and administration.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: Line-item appropriation under local government division; statutory per diem and mileage.

Membership: Eleven members appointed by the governor. Members must reside in irrigated areas of the state containing acequias; must own land irrigated from acequia or community ditch organized pursuant to a ditch or acequia statute. Members serve four-year terms; meet not less than quarterly or more than once a month. Members elect chairperson.

Powers and Duties: Section 73-2-66 NMSA 1978: provide advice and assist the governor, legislature, state engineer, interstate stream commission and United States army corps of engineers in establishing acequia and community ditch rehabilitation priorities and other matters; serve as facilitator between acequias or community ditches and state and federal agencies; and review plans and legislation affecting acequias and community ditches.

Duplication, Similarity or Connection with Other Agencies: The acequia and community ditch fund (Section 73-2A-3 NMSA 1978), which is for adjudication expenses, is administered by the department of agriculture; amounts are determined by a committee consisting of the director of the department of agriculture, the interstate stream commission chairman and an acequia commission member. The state engineer and interstate stream commission have similar duties.

Category: Agriculture

Beef Council, New Mexico

Statutory Reference: Section 77-2A-3 NMSA 1978 (New Mexico Beef Council Act).

Organizational Status: Unspecified

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? Yes, Beef Promotion and Research Act of 1985.

Senate Confirmation? No

Funding: Industry assessments; statutory reimbursement not to exceed Per Diem and Mileage Act provisions.

Membership: Nine members appointed for staggered three-year terms by the director of the department of agriculture with approval of the governor. The director serves as an ex-officio, nonvoting member. Members must be beef or dairy producers and must receive a substantial portion of their income from the branch they represent on the council. One member represents fluid milk producers, five represent beef producers, one represents breeders of purebreds and two represent commercial cattle feeders. Appointments are made from lists recommended by farm organizations, producer associations and individual producers. The council must meet at least once each six months.

Other: The council has its own bank account and does not voucher through the department of finance and administration. It is exempt from the Procurement Code and the Personnel Act, but staff are considered state employees for purposes of the Tort Claims Act. The federal act establishes an assessment of \$1.00 per head. The cattlemen's beef promotion and research board established under the federal act designates state beef councils to collect assessments; the New Mexico beef council allocates a portion of the assessment to an in-state promotion and research program.

Powers and Duties: Section 77-2A-6 NMSA 1978: conduct marketing programs; submit a detailed annual budget to the department of agriculture; bond officers and employees; keep detailed and accurate financial records; establish procedures for adoption of rules; determine assessment rates; employ staff, not to exceed four; contract for scientific research; disseminate information; make grants to research agencies; cooperate with local, state and national organizations and agencies; study legislation; enter into contracts; sue and be sued; adopt rules to be filed with the department; and cooperate with other beef councils or agencies in the collection of assessments.

Duplication, Similarity or Connection with Other Agencies: N/A

Category: Agriculture

**Chile Commission, New Mexico
Dry Onion Commission, New Mexico
Peanut Research Board**

Statutory Reference: Not directly statutory; created under the auspices of the Agricultural Commodity Commission Act (Section 76-21-1 NMSA 1978).

Organizational Status: Unspecified; the department of agriculture approves the annual budget, fills vacancies and exercises other powers.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Funding: Industry assessments; per diem and mileage not specified.

Membership: From five to 11 members as determined by the commodity producers and handlers; director of the department of agriculture or the director's designee is an ex-officio, nonvoting member.

Other: The commission has its own bank account and does not voucher through the department of finance and administration. It is exempt from the Procurement Code and the Personnel Act, but members and staff are considered state employees for purposes of the Tort Claims Act.

Powers and Duties: Collect assessments from industry and allocate funds for research and market development.

Duplication, Similarity or Connection with Other Agencies: N/A

Category: Agriculture

Fair Commission, State

Statutory Reference: Section 16-6-1 NMSA 1978.

Organizational Status: Administratively attached to tourism department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate: No

Senate Confirmation? Yes

Funding: General appropriation act; other state funds = state fair's income; statutory per diem and mileage.

Membership: Seven members appointed by the governor with the advice and consent of the senate; serve staggered five-year terms; removal only for cause but disqualified for membership if the board member moves out of state. No fewer than two commissioners shall be engaged in the business of livestock raising and no fewer than two shall be engaged in agricultural vocations and pursuits other than livestock raising. Annual meeting on the first Monday of January.

Other: The commission has the power to borrow money and issue bonds. The commission is a non-general fund agency that does not voucher through department of finance and administration; however, the commission must submit to the department of finance and administration monthly budget status reports, a list of all checks issued and supporting documentation for each expenditure. In January of each year, the board must prepare and transmit to the governor a full financial statement, signed by each member of the commission, that shows all money received and disbursed, all assets and liabilities and a full and detailed account of its transactions; the report shall include statistics and information of value to the various industries of the state.

The commission has the power of eminent domain.

The state fair is created as a governmental instrumentality.

Powers and Duties: Section 16-6-4 NMSA 1978: operate annual fair.

Section 16-6-15 NMSA 1978: acquire, hold and dispose of real or personal property; build, construct, improve, repair and maintain buildings, structures, improvements, grounds and equipment for operating a state fair; acquire any project; and accept grants, borrow money and issue bonds.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: Agriculture

Livestock Board, New Mexico

Statutory Reference: Section 77-2-2 NMSA 1978 (The Livestock Code).

Organizational Status: Attached for coordination purposes to the department of agriculture; the board is required to execute a memorandum of understanding with the department identifying areas for cooperation and coordination, including administrative services.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate: No. The board no longer performs federal duties for meat inspection.

Senate Confirmation? No

Funding: General appropriation act; other state funds = fees and property tax on livestock; statutory per diem and mileage.

Membership: Nine members who are state residents appointed by the governor and adequately representing the state livestock industry; seven must raise and own cattle or sheep, two members represent the general public. The majority at any given time shall be primarily engaged in the business of raising and owning cattle. No more than five members shall belong to the same political party. Members serve staggered six-year terms. The board holds June and December meetings and otherwise at the call of the chair or a majority of members.

Other: The board has subpoena power.

The board has its own bank account and does not voucher through the department of finance and administration; its budget is approved by the department of finance and administration.

Powers and Duties: Section 77-2-2 NMSA 1978: assume powers and duties of the sheep sanitary board and the cattle sanitary board.

Section 77-2-3 NMSA 1978: govern the livestock industry of the state.

Section 77-2-7 NMSA 1978: exercise general regulatory supervision over the livestock industry to protect industry from theft and diseases; appoint executive director and other employees, including inspectors; appoint state veterinarian and subordinate veterinarians; adopt rules to control the importation of animals; establish quarantine, provide its boundaries and give notice; adopt rules for meat inspection; adopt rules governing the importation, manufacture, sale, distribution or use of serums, vaccines and other biologicals, virulent blood or living virus of diseases affecting animals; set fees and charges; consider the views of the livestock industry in

administration of The Livestock Code; adopt other rules; and hold hearings and subpoena witnesses.

Section 77-2A-7.1 NMSA 1978: levy, impose and collect the council assessment for the New Mexico beef council.

Other powers and duties under The Livestock Code: enter into contracts for research and promotion of meat and meat products; set rate for special property tax levy on livestock; deposit into and expend from the New Mexico livestock board general fund, with expenditure based on budget approved by department of finance and administration; and set and collect fees for board services.

Most of Chapter 77 NMSA 1978 specifies board powers and duties, including: provide for the control of contagious diseases in livestock; prevent, suppress, control and eradicate scabies and tuberculosis; register hog feeders; register brands and marks and maintain brand books; license livestock sales rings; provide for the impoundment of stray animals; license abattoirs, meat dealers and storage plants; and seize and dispose of cruelly treated livestock.

Section 77-2-29 NMSA 1978: fix fees for services rendered pursuant to The Livestock Code.

Chapter 30, Article 18 NMSA 1978: enforce penalties for cruelty and other livestock crimes.

Other: The board has statutory authority related to meat inspection, but it no longer performs that function. For those duties, see Chapter 25, Article 3 NMSA 1978.

Duplication, Similarity or Connection with Other Agencies: Department of agriculture.

Category: Agriculture

Organic Commodity Commission

Statutory Reference: Section 76-22-6 NMSA 1978 (Organic Commodity Act).

Organizational Status: Adjunct

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No; however, it is the state's organic program in accordance with USDA's national program.

Senate Confirmation? Yes

Funding: General appropriation act; statutory per diem and mileage.

Membership: Five members, who must be state residents, appointed by the governor with the advice and consent of the senate. Terms are four years and staggered. The commission elects the chair, vice chair, secretary and ombudsman. If a commissioner is certified by the commission, the commissioner must also be certified by another certifying agent.

Powers and Duties: Section 76-22-7 NMSA 1978: adopt certification standards for production and handling of organically produced food articles; conduct studies to increase commercial value and discover new markets; disseminate information; sue and be sued; enter into contracts; appoint subordinate officers and employees; cooperate with local, state and national organizations and government agencies; adopt, rescind, modify or amend rules, orders and resolutions; adopt the federal materials list and prepare a registration program for purveyors; and as the state organic program, regulate all aspects of the organic agriculture marketplace in New Mexico, take all actions necessary to ensure that products are produced under valid certification and assume investigative and enforcement responsibilities.

Section 76-22-8 NMSA 1978: at least every two years, review its statutes, program and contents of materials list for conflicts with federal law or USDA actions.

Other powers and duties under the act: adopt standards, certify farm and handling operations that meet requirements of the act; levy assessments; appoint stewards; establish labels; and enforce the act and hold hearings.

Duplication, Similarity or Connection with Other Agencies: Department of agriculture.

Category: Agriculture

Rangeland Protection Advisory Committee

Statutory Reference: Section 76-7B-5 NMSA 1978 (Rangeland Protection Act).

Organizational Status: Advisory to the department of agriculture.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: No direct appropriation; per diem and mileage allowances not specified; department provides necessary administrative staff and facilities.

Membership: The director of the department of agriculture, who serves as chair; chair of range improvement task force of the college of agriculture at New Mexico state university; the commissioner of public lands; the director of the department of game and fish; the secretary of energy, minerals and natural resources; the dean of the college of agriculture; and the director of the environmental improvement division of the department of environment. The chair appoints one additional member from the ranching industry for a one-year term. The committee must meet at least once a year; otherwise, meetings are at the call of the chair.

Other: The committee must coordinate its activities and involve the state director of the United States bureau of land management, the regional forester of the United States forest service, the bureau of Indian affairs and the state conservationist of the United States soil conservation service.

Powers and Duties: Section 76-7B-5 NMSA 1978: meet at call of chair to develop general guidelines to be followed for all rangeland protection projects conducted by the department of agriculture pursuant to the act; and convene at least annually to discuss rangeland protection projects conducted during the preceding year and provide updated recommendations and guidance for future projects as required by changes in funding, laws or technology.

Duplication, Similarity or Connection with Other Agencies: Department of agriculture.

Category: Agriculture

Sheep and Goat Council, New Mexico

Statutory Reference: Section 77-8A-3 NMSA 1978 (New Mexico Sheep and Goat Act).

Organizational Status: Unspecified

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Funding: Industry assessments; statutory reimbursement not to exceed Per Diem and Mileage Act provisions.

Membership: Seven members elected by producers from nominations made to the director of the department of agriculture by producers or producer organizations. Members must be actively engaged in sheep or goat production or another branch of the sheep or haired-goat business. Two members are elected from the region north of I-40, four are elected from the region south of I-40 and one member shall be a handler of sheep or haired goats or their products. Each member shall be elected for a three-year term. Vacancies are filled by appointment by the director from nominations made by producers and producer organizations. The director serves as an ex-officio, nonvoting member of the council.

Other: The council has its own bank account and does not voucher through the department of finance and administration; exempt from the Procurement Code and the Personnel Act; covered by the Tort Claims Act.

Powers and Duties: Section 77-8A-6 NMSA 1978. The council is to:

- (1) conduct marketing programs, including promotion, education and research, promoting sheep and haired-goat products;
 - (2) submit to the director a detailed annual budget for the council on a fiscal-year basis and provide a copy of the budget upon request to any person who has paid an assessment or made a contribution under the New Mexico Sheep and Goat Act;
 - (3) bond officers and employees of the council who receive and disburse council funds;
 - (4) keep detailed and accurate records for all receipts and disbursements, have those records audited annually and keep the audit available for inspection in the council office;
 - (5) establish procedures for the adoption of rules that will provide for input from producers;
 - (6) determine and publish each year the assessment rates to be collected by the board;
- and
- (7) employ staff not to exceed three persons.

The council may:

- (1) contract for scientific research to discover and improve the commercial value of sheep and haired goats and products thereof;
- (2) disseminate information showing the value of sheep and haired goats and products for any purpose for which they may be found useful and profitable;
- (3) fund programs to enhance the efficiencies of sheep and haired-goat production;
- (4) make grants to research agencies for financing studies or for the purchase or acquisition of facilities necessary to carry out the purposes of the council as authorized by the New Mexico Sheep and Goat Act;
- (5) cooperate with any local, state or national organizations or agencies, whether created by law or voluntary, engaged in work or activities similar to that of the council, and enter into contracts with those organizations or agencies and expend funds in connection therewith for carrying on joint programs;
- (6) study federal and state legislation with respect to tariffs, duties, reciprocal trade agreements, import quotas and other matters concerning the effect on the sheep and haired-goat industry and represent and protect the interests of the industry with respect to any legislation or proposed legislation or executive action that may affect that industry;
- (7) enter into contracts that it deems appropriate to the carrying out of the purposes of the council as authorized by the New Mexico Sheep and Goat Act;
- (8) sue and be sued as a council without individual liability for acts of the council within the scope of the powers conferred upon it by the New Mexico Sheep and Goat Act;
- (9) appoint subordinate officers and employees of the council and prescribe their duties and fix their compensation;
- (10) adopt rules for the exercise of its powers and duties. A copy of all council rules shall be filed with the department; and
- (11) cooperate with other state councils or agencies in the collection of assessments.

Duplication, Similarity or Connection with Other Agencies: The department of agriculture, livestock board, economic development department.

Category: Commerce and Industry

Apprenticeship and Training Advisory Committee

Statutory Reference: Section 21-19A-7 NMSA 1978 (Apprenticeship Assistance Act).

Organizational Status: Advisory to the vocational education division [instructional support and vocational education division] of the public education department.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? Constituted pursuant to the National Apprenticeship Act.

Senate Confirmation? No

Funding: Indirect through the public education department; per diem and mileage for members not otherwise compensated by public funds allowed for 12 meetings per year.

Membership: Ten members appointed by the vocational education division [see name change, above]: two represent employers of apprenticeable trades; two represent organized labor of apprenticeable trades; two full-time training directors or program administrators of apprenticeship committees; two employees of educational entities who teach or supervise preparatory instruction, supplementary instruction or related instruction courses; the director of the apprenticeship council, who serves as chair; and the supervisor of trades and industry with the vocational education division. Members serve four-year terms. Nonvoting members include one representative of the advisory council for vocational education; one representative of the New Mexico college and university system of vocational education; one representative of the bureau of apprenticeship and training of the U.S. department of labor; and one representative of the general public familiar with technical-vocational education and not otherwise eligible. The general public nonvoting member serves four years; other nonvoting members serve at the pleasure of the representative organization. The committee meets annually and at call of the chair.

Other: The Apprenticeship Assistance Act also provides for apprenticeship committees for each apprenticeship training program, which appear to have policy-making authority. They are structured pursuant to CFR 29.29. [29 CFR 29]

Powers and Duties: Section 21-19A-8 NMSA 1978: provide input into the development of a statewide plan for a comprehensive program of apprenticeship training, including formulas and administrative procedures in requesting legislative appropriations for apprenticeship training; forms, formulas and administrative procedures for distribution of funds; and the content and method of public notice required by the act. Recommendations of the advisory committee to the division shall be acted on and either accepted or rejected.

Duplication, Similarity or Connection with Other Agencies: There are several apprenticeship organizations that assist the vocational education division [see name change, above], the workforce solutions department and the economic development department.

Category: Commerce and Industry

Apprenticeship Committees

Statutory Reference: Section 21-19A-4 NMSA 1978 (Apprenticeship Assistance Act).

Organizational Status: Unspecified

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? Committees structured pursuant to the National Apprenticeship Act [See 29 CFR 29].

Senate Confirmation? No

Membership: Unspecified

Funding: No direct appropriation; per diem and mileage not statutory.

Powers and Duties: Section 21-19A-4 NMSA 1978: establish standards and goals for related instruction for apprentices in the program and supplementary instruction for journeymen; establish rules governing on-the-job training and other instruction for apprentices in the program; plan and organize instructional materials designed to provide technical and theoretical knowledge and basic skills required by apprentices; select qualified instructors for the program; monitor and evaluate performance and progress of each apprentice in the program and the program as whole; interview applicants and select those who meet its criteria; provide for keeping and reporting on the student program and fiscal data as required by United States department of education; and perform other duties that promote goals of apprentices and program.

Duplication, Similarity or Connection with Other Agencies: There are several apprenticeship organizations that assist the vocational education division [instructional support and vocational education division] of the public education department, the workforce solutions department and the economic development department.

Category: Commerce and Industry
Apprenticeship Council

Statutory Reference: Section 50-7-3 NMSA 1978.

Organizational Status: Unspecified

Policy or Advisory? Policy

Rulemaking Authority? Can prescribe its own rules of procedures.

Federal Mandate? Unclear; may be related to National Apprenticeship Act.

Senate Confirmation? No

Funding: Indirect through the workforce solutions department; per diem and mileage for members not otherwise compensated by the public funds allowed for 12 meetings per year.

Membership: Nine members appointed by the director of the labor and industrial division, three representing each category of employers, labor and the public; members serve staggered three-year terms. The director of the labor and industrial division and the supervisor of trade and industrial education serve as ex-officio, nonvoting members.

Powers and Duties: Section 50-7-4 NMSA 1978: formulate standards to safeguard welfare of apprentices and other policies necessary to carry out intent and purpose of Chapter 50, Article 7 NMSA 1978. The council confirms appointment of the director of apprenticeship in the workforce solutions department.

Duplication, Similarity or Connection with Other Agencies: There are several apprenticeship organizations that assist the vocational education division [instructional support and vocational education division] of the public education department, the workforce solutions department and the economic development department.

Category: Commerce and Industry

Border Authority

Statutory Reference: Section 58-27-4 NMSA 1978 (Border Development Act).

Organizational Status: Administratively attached to the economic development department. The New Mexico finance authority oversight committee is the legislative oversight committee for the border authority.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes, for public members.

Funding: General appropriation act; statutory per diem and mileage.

Membership: Seven voting members: the secretary of economic development or the secretary's designee, who serves as chair; and six appointed by the governor with senate confirmation and with no more than three from the same political party. The lieutenant governor is an ex-officio, nonvoting member. Appointed members serve staggered four-year terms. The chair may appoint a nonvoting advisory committee to provide advice and recommendations.

The chair and four voting members appointed by the chair constitute the border authority's executive committee; the executive director of the authority is a nonvoting member of the executive committee. The executive committee has powers and duties as delegated to it by the authority. The chair may appoint a nonvoting advisory committee to provide advice and recommendations on authority matters.

Other: The border authority has sweeping powers without direct accountability, e.g., it has the power to issue bonds; charge and collect tolls and other fees; and own and operate port of entry facilities.

Powers and Duties: Section 58-27-10 NMSA 1978: advise the governor and the governor's staff and the oversight committee on methods, proposals, programs and initiatives involving the New Mexico-Chihuahua border area that may further stimulate the border economy and provide additional employment opportunities for New Mexico citizens; subject to the provisions of the Border Development Act, initiate, develop, acquire, own, construct and maintain border development projects; create programs to expand economic opportunities beyond the New Mexico-Chihuahua border area to other areas of the state; create avenues of communication between New Mexico and Chihuahua and the Republic of Mexico concerning economic development, trade and commerce, transportation and industrial affairs; promote legislation to further the goals of the authority and development of the border region; produce promotional literature related to explanation and fulfillment of the authority's goals; actively recruit industries

and establish programs that will result in the location and relocation of new industries in the state; coordinate and expedite the involvement of the executive department's border area efforts; and perform or cause to be performed environmental, transportation, communication, land use and other technical studies necessary or advisable for projects or programs or to secure port-of-entry approval by the United States and the Mexican governments and other appropriate governmental agencies. The authority may solicit and accept federal, state, local and private grants of funds, property or financial or other aid in any form to carry out the provisions of the Border Development Act; adopt rules governing the manner in which its business is transacted and the manner in which the powers of the authority are exercised and its duties performed; act as an applicant for and operator of port-of-entry facilities and, as the applicant, carry out all tasks and functions, including acquisition by purchase or gift of any real property necessary for port-of-entry facilities, acquisition by purchase, gift or construction of any facilities or other real or personal property necessary for a port of entry and filing all necessary documents and follow-up of such filings with appropriate agencies; as part of a port of entry, give or transfer real property, facilities and improvements owned by the authority to the United States government; acquire by construction, purchase, gift or lease projects that will be located within the state; sell, lease or otherwise dispose of a project upon terms and conditions acceptable to the authority and in the best interests of the state; issue revenue bonds and borrow money for the purpose of defraying the cost of acquiring a project by purchase or construction and to secure the payment of the bonds or repayment of a loan; expend funds or incur debt for the improvement, maintenance, repair or addition to property owned by the authority, the state or the United States government; and refinance a project.

In exercising its authority, the authority shall not incur debt as a general obligation of the state or pledge the full faith and credit of the state to repay debt.

Section 58-27-12 NMSA 1978: hire an executive director and contract for services.

Section 58-27-14 NMSA 1978: unless prohibited by law, fix, alter, charge and collect tolls, fees or rentals and other charges for services.

Section 58-27-15 NMSA 1978: issuing authority for private activity bonds and power to issue revenue bonds.

Section 58-27-16.1 NMSA 1978: subject to state board of finance approval, may enter into other financial arrangements.

Duplication, Similarity or Connection with Other Agencies: There are several entities in the executive branch and the universities that deal with border issues.

Category: Commerce and Industry

Community Development Council, New Mexico

Statutory Reference: Section 11-6-4 NMSA 1978 (New Mexico Community Assistance Act).

Organizational Status: Unspecified; the local government division of the department of finance and administration serves as council staff.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? The council sets rules and awards grants from the federal community development block grant program funds.

Senate Confirmation? No

Funding: Indirect through local government division; per diem and mileage for public members not statutory.

Membership: Eleven members as follows: the secretary of finance and administration; governor; secretary of health and environment [sic]; lieutenant governor; and seven members appointed by the governor from districts specified in the act for three-year terms. Appointed members may be removed by the governor for good cause; the governor selects the chair.

Powers and Duties: Section 11-6-4.1 NMSA 1978: adopt rules to provide for procedures and forms for making grants under the act, with documentation provided by proposed grantees; and establish: (1) procedures for review, evaluation and approval of grants; (2) procedures for reporting by the grantee of programmatic, organizational and financial information necessary for review, evaluation and approval of funding; (3) evaluation of ability and competence of grantee; (4) common application form and funding cycle for state and federal grant or loan programs; (5) procedures for coordination and handling of applications for all state and federal grant or loan programs administered by the division; (6) procedures to control the number of applications from each political subdivision; and (7) such other requirements deemed necessary by the council to ensure that the state receives the services for which the legislature appropriated money.

Section 11-6-5 NMSA 1978: carry out the purposes and provisions of the New Mexico Community Assistance Act, including to develop and oversee the administration of community assistance programs; adopt, amend and repeal council rules; apply for federal aid designed to assist local community infrastructure development; oversee administration of federal and other funds for community assistance programs; coordinate and mobilize assistance and funding resources in regard to the construction, extension or repair of projects; coordinate with, assist and seek input from political subdivisions, community organizations and civic groups; enter into contracts and agreements necessary to carry out its powers and duties; and disburse and oversee the administration of any other funds appropriated to the council or as directed by the legislature.

Section 11-6-6 NMSA 1978: accept applications for grants and approve assistance funds.

Section 11-6-9 NMSA 1978: request assistance of any state agency, including assignment of personnel.

Section 9-14-4 NMSA 1978: determine recipients and amounts of community development block grants.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: Commerce and Industry
Construction Industries Commission

Statutory Reference: Section 60-13-6 NMSA 1978 (Construction Industries Licensing Act).

Organizational Status: Commission created within the construction industries division of the regulation and licensing department.

Policy or Advisory? Policy

Rulemaking Authority? The commission approves proposed rules of the division.

Federal Mandate? No

Senate Confirmation? Yes

Funding: Indirect through the construction industries division; statutory per diem and mileage for members.

Membership: Nine voting members appointed by the governor with the advice and consent of the senate as follows: one representative of the residential construction industry; one licensed electrical contractor; one licensed mechanical contractor; one practicing architect; one practicing general contractor; one representative of the LPG industry; one public member; one representative of the subcontracting industry; and one representative of organized labor. Members are appointed to provide adequate geographic representation. Terms are not specified; members serve at the pleasure of the governor. The director of the division serves as the executive secretary. The commission meets bimonthly or at the call of the chair.

Other: Section 9-16-12 NMSA 1978 provides exemption from authority of the superintendent of regulation and licensing. The commission has subpoena power. The commission may assess administrative penalties.

Powers and Duties: Section 60-13-6 NMSA 1978: establish policy for the division; advise on, review, coordinate and approve or disapprove all rules, standards, codes and licensing requirements subject to approval of the commission; revoke or suspend licenses and certificates of qualification issued under the Construction Industries Licensing Act or the LPG and CNG Acts; and define and establish all license classifications.

Section 60-13-10.2. with the division and the energy, minerals and natural resources department promulgate rules, standards or codes that establish requirements for new construction that will accommodate the installation of solar collectors to or on the new construction after the construction is otherwise complete.

Section 60-13-11 NMSA 1978: sue and be sued, issue subpoenas and compel attendance and production; administer oaths; adopt a seal; compel minimum code compliance in all certified code jurisdictions and political subdivisions; and investigate code violations.

Section 60-13-15 NMSA 1978: review all licenses issued by construction industries division.

Section 60-13-23 NMSA 1978: revoke or suspend licenses.

Section 60-13-23.1 NMSA 1978: assess administrative penalties.

Section 60-13-36 NMSA 1978: suspend or revoke certificates of competence

Section 70-5-5 NMSA 1978: adopt rules to carry out provisions of the LPG and CNG Act.

Section 70-5-13 NMSA 1978: hold hearing pursuant to the LPG and CNG Act.

Duplication, Similarity or Connection with Other Agencies: The construction industries division.

Category: Commerce and Industry
Economic Development Commission

Statutory Reference: Section 9-15-11 NMSA 1978 (Economic Development Department Act).

Organizational Status: Administratively attached to the economic development department.

Policy or Advisory? Policy-advisory; the commission approves annual update to five-year plan.

Rulemaking Authority? Yes, for its own operations.

Federal Mandate? No

Senate Confirmation? Yes

Funding: Indirect through the economic development department; statutory per diem and mileage for members.

Membership: Nine members appointed by the governor and confirmed by the senate. No more than five from the same political party and at least one Native American. Seven members are appointed from planning districts, one Native American is appointed to represent the interests of Indian tribes and pueblos and one member represents the public at large. Terms are five years, staggered; the governor designates the chair; the commission meets at the call of the chair not less than once each quarter. Removal is only for incompetence, neglect of duty or malfeasance; the senate has exclusive original jurisdiction over removal proceedings. Votes by proxy are prohibited.

Powers and Duties: Section 9-15-11 NMSA 1978: provide advice to the department on policy matters; and annually approve and update the state's five-year economic development plan.

Section 9-15-12 NMSA 1978: develop and recommend policies and provide policy and program guidance; review, modify and approve annual updates to the five-year economic development plan generated by the department; advise, assist and promote the department on matters relating to technology, technology-based new business development and technology commercialization projects; review federal technology-based programs requiring state matching funds and authorize expenditures or pledges of state matching funds for such programs; and establish rules for its own operation.

Duplication, Similarity or Connection with Other Agencies: The economic development department; tourism department and commission.

Category: Commerce and Industry
Film and Media Industries, Governor's Council on

Statutory Reference: Section 9-15-4.1 NMSA 1978.

Organizational Status: Advises the economic development department and the governor; staff provided by the department.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: No direct appropriation; statutory per diem and mileage.

Membership: No more than 30 members appointed by the governor for four-year staggered terms. Terms expire January 1. The governor names the chair, who also serves as chair of the executive board. Five members have experience in film production. Meetings are to be held at least quarterly, at the call of the chair.

Other: The governor appoints a seven-member executive board, five of whom must have experience in some aspect of film production.

Powers and Duties: Section 9-15-4.1 NMSA 1978: Council: report activities to the department, governor and legislature annually by December 1; advise the department and the governor on ways to promote film production in the state; assist in the design and implementation of the department's strategic plan for building a media infrastructure; and assist in the design of the workforce training program for film production and recommend incentives and funding for the program.

Executive board: with approval of the secretary, create subcommittees and name a chair; coordinate activities of subcommittees; coordinate activities of the council; and develop recommendations pertaining to the council's duties for consideration by the council.

Duplication, Similarity or Connection with Other Agencies: The film division.

Category: Commerce and Industry

Industrial Training Board

Statutory Reference: Section 21-19-7 NMSA 1978.

Organizational Status: Unspecified

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Funding: No direct appropriation; per diem and mileage for public members is not statutory.

Membership: The director of the economic development division of the economic development department; director of the vocational education division [instructional support and vocational education division] of the public education department; director of the governor's office of workforce training and development [job training division of the workforce solutions department]; secretary of higher education; one employee of the workforce solutions department; one member from organized labor appointed by the governor; and one public member from the business community appointed by the governor.

Powers and Duties: Section 21-19-7 NMSA 1978: establish policies and promulgate rules for the administration of appropriated funds; and provide review and oversight to ensure that funds expended from the development training fund will generate business activity and give measurable growth to the state's economic base.

Section 21-19-7.1: after consulting with the New Mexico film division, promulgate rules for development funding for film and multimedia production companies.

Duplication, Similarity or Connection with Other Agencies: Yes, any agency represented as a member of the board, particularly the economic development or workforce solutions department.

Category: Commerce and Industry
Labor and Industrial Commission

Statutory Reference: Section 50-1-1 NMSA 1978.

Organizational Status: Administratively attached to the workforce solutions department.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? Yes

Funding: Indirect through the workforce solutions department; statutory per diem and mileage for members.

Membership: Three members as follows: two members appointed by the governor with the consent of the senate and who serve at the pleasure of the governor for four-year terms; and one member appointed by the other two members of the commission, who serves at the pleasure of the two members for a four-year term. One of the governor's members represents employers and one represents employees; the third member is someone who does not represent either employers or employees. No more than two members shall be from the same political party. The governor designates the chair.

Powers and Duties: Section 50-1-1.4 NMSA 1978: receive reports from the secretary and act in an advisory capacity to the secretary in enforcement of labor legislation.

Duplication, Similarity or Connection with Other Agencies: There are several labor and training organizations.

Category: Commerce and Industry

Manufactured Housing Committee

Statutory Reference: Section 60-14-5 NMSA 1978 (Manufactured Housing Act).

Organizational Status: Committee created within the manufactured housing division of the regulation and licensing department.

Policy or Advisory? Policy

Rulemaking Authority? Unclear. The committee approves the division's proposed rules; Section 60-14-5 NMSA 1978 does state that "committee shall. . .establish by regulation. . .".

Federal Mandate? No

Senate Confirmation? No

Funding: Indirect through the regulation and licensing department; statutory per diem and mileage.

Membership: Seven members appointed by the governor as follows: one representative of manufacturers; one dealer; one installer; one broker; and three manufactured house owners not subject to licensure under the act. Members serve at the pleasure of the governor within staggered four-year terms. Appointments must provide geographic representation. The director of the division serves as the executive secretary. The committee meets at least bimonthly.

Other: Section 9-16-13 NMSA 1978 exempts the committee from authority of the superintendent of regulation and licensing.

Powers and Duties: Section 60-14-5 NMSA 1978: provide technical and policy advice to the division; review and approve or disapprove rules, standards and codes; establish by rule the classifications of licenses issued by the division and qualifications and examinations necessary for licensure under the act; and suspend or revoke for cause any license or certificate of qualification issued by the division.

Section 60-14-15 NMSA 1978: with division receive complaints and order compliance.

Duplication, Similarity or Connection with Other Agencies: The manufactured housing division.

Category: Commerce and Industry

New Mexico-Chihuahua Commission

Statutory Reference: Section 12-13A-4 NMSA 1978 (New Mexico-Chihuahua Commission Act).

Organizational Status: Administratively attached to the economic development department.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: Indirect through the economic development department; statutory per diem and mileage for public members for official duties required by the commission.

Membership: Members representing New Mexico are: the governor, the secretaries of economic development and tourism, other state officials as assigned by the governor and no more than 10 public members appointed by the governor. Chihuahua members are appointed as that government determines. Governors of New Mexico and Chihuahua are co-chairs; meetings are at the call of the co-chairs or at the request of a majority of commission members. Terms for New Mexico public members are two years with unlimited reappointment. Members shall not have a financial interest in activities undertaken by the commission. Staff assistance is provided by the economic development department.

Powers and Duties: Section 12-13A-5 NMSA 1978: provide a forum for the discussion and resolution of issues of mutual concern to the governments of New Mexico and Chihuahua; identify projects to be cooperatively pursued; create avenues of communications concerning cultural, artistic, economic and industrial affairs; confer with leaders; promote legislation; and look for successful international intergovernmental cooperative activities and models. The governor of New Mexico may negotiate with the appropriate Chihuahuan officials to create cooperative projects to be jointly implemented or to resolve mutual concerns. The governor of New Mexico may implement agreements, provided that any agreement requiring an appropriation shall require legislative action.

Duplication, Similarity or Connection with Other Agencies: The trade and Mexican affairs division of the economic development department; the governor's office. This commission replaces the border commission.

Category: Commerce and Industry

New Mexico-Sonora Commission

Statutory Reference: Section 12-13B-3 NMSA 1978 (New Mexico-Sonora Commission Act).

Organizational Status: Administratively attached to the economic development department.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: Indirect through the economic development department; statutory per diem and mileage for public members for official duties required by the commission.

Membership: Members representing New Mexico are the governor, secretary of economic development, secretary of tourism, other state officials as assigned by the governor and no more than nine members of the public appointed by the governor. The members representing Sonora shall be appointed or assigned according to regulations and procedures governing commissions in that state. Co-chairs are the governors of New Mexico and Sonora. Terms for New Mexico public members are two years with unlimited reappointment. Members shall not have a financial interest in activities undertaken by the commission. Staff assistance is provided by the economic development department.

Powers and Duties: Section 12-13B-4 NMSA 1978: provide a forum for discussion and resolution of issues of mutual concern to the governments of New Mexico and Sonora; identify projects to be cooperatively pursued; create avenues of communications concerning cultural, artistic, economic and industrial affairs; confer with leaders; promote legislation; and look for successful international intergovernmental cooperative activities and models. The governor of New Mexico may negotiate with the appropriate Sonoran officials to create cooperative projects to be jointly implemented or to resolve mutual concerns. The governor may implement agreements; provided that any agreement requiring an appropriation requires legislative action.

Duplication, Similarity or Connection with Other Agencies: The trade and Mexican affairs division of the economic development department; New Mexico-Chihuahua commission; border authority; and other border initiatives of New Mexico state university and western New Mexico university. This commission, with the New Mexico-Chihuahua commission, replaces the border commission.

Category: Commerce and Industry
Occupational Health and Safety Review Commission

Statutory Reference: Section 50-9-9 NMSA 1978 (Occupational Health and Safety Act).

Organizational Status: Unspecified

Policy or Advisory? Unspecified; presumably policy.

Rulemaking Authority? Yes

Federal Mandate? The department of environment is the federal OSHA agency.

Senate Confirmation? Yes

Funding: Indirect through the department of the environment; statutory per diem and mileage.

Membership: Three members appointed by the governor with the advice and consent of the senate; members reflect labor, industry and the general public. The governor designates the chair. Terms are six years; removal is for inefficiency, neglect of duty or malfeasance in office.

Other: Section 9-7A-14 NMSA 1978 provides exemption from the authority of the secretary of environment.

The commission has subpoena power.

Powers and Duties: Section 50-9-9 NMSA 1978: may order testimony to be taken by deposition; compel attendance and production; and designate hearing officers.

Section 50-9-17 NMSA 1978: review department citations on appeal; and issue final orders.

Duplication, Similarity or Connection with Other Agencies: The occupational health and safety special committees; environmental improvement board; department of environment.

Category: Commerce and Industry

Occupational Health and Safety Special Committees

Statutory Reference: Section 50-9-6 NMSA 1978 (Occupational Health and Safety Act).

Organizational Status: May be appointed by the environmental improvement board or the secretary of environment.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? The department of environment is the federal OSHA agency.

Senate Confirmation? No

Funding: Indirect through the department of environment; statutory per diem and mileage.

Membership: Technicians or professionals specializing in occupational health or safety.

Powers and Duties: Section 50-9-6 NMSA 1978: assist in carrying out objectives of the act.

Duplication, Similarity or Connection with Other Agencies: The environmental improvement board, department of environment, occupational health and safety review commission.

Category: Commerce and Industry

Skills Council

Statutory Reference: Section 50-14-11 NMSA 1978 (Workforce Development Act).

Organizational Status: Unspecified

Policy or Advisory? Unspecified, presumably advisory.

Rulemaking Authority? No

Federal Mandate? Related to the federal Workforce Investment Act of 1998.

Senate Confirmation? No

Funding: Unknown; per diem and mileage not statutory.

Membership: The chair of the state workforce development board and the chair of each of the local boards appoint one member from their respective boards.

Powers and Duties: Section 50-14-11 NMSA 1978: an ad hoc council to identify state and regional industry clusters for the coordination oversight committee of the board for the purpose of developing coordinated, targeted workforce training programs.

Duplication, Similarity or Connection with Other Agencies: The state workforce development board and its coordination oversight committee; local boards; workforce solutions department.

Category: Commerce and Industry

Small Business Regulatory Advisory Commission

Statutory Reference: Section 14-4A-5 NMSA 1978 (Small Business Regulatory Relief Act).

Organizational Status: Administratively attached to the economic development department.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: Indirect through the department; statutory per diem and mileage.

Other: Staff provided by the department.

Membership: Nine members who are current or former small business owners; five appointed by the governor and two each appointed by the speaker and the president pro tempore. Each member must be from a different geographic region of the state. Members serve two-year terms and not more than three consecutive terms. Members name the chair. The commission meets at the call of the chair.

Powers and Duties: Section 14-4A-5 NMSA 1978: may provide state agencies with input regarding proposed rules that may adversely affect small businesses; consider requests from small business owners to review rules adopted by an agency; review rules promulgated by an agency to determine whether a rule places an unnecessary burden on small businesses and make recommendations to mitigate the adverse effects; and provide an annual evaluation report to the governor and the legislature.

The commission does not have the authority to interfere with, modify, prevent or delay an agency or administrative enforcement action; intervene in legal actions; or subpoena witnesses, though it may request witnesses to voluntarily testify or produce documents.

Duplication, Similarity or Connection with Other Agencies: N/A

Category: Commerce and Industry

Spaceport Authority

Statutory Reference: Section 58-31-4 NMSA 1978 (Spaceport Development Act).

Organizational Status: Administratively attached to the economic development department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes

Funding: Statutory per diem and mileage for appointed members

Other: The authority may issue revenue bonds on its behalf or the behalf of the regional spaceport district; it may borrow money subject to approval of the state board of finance. Bonds are state tax-exempt.

Membership: Seven voting and two nonvoting members, six of whom shall be appointed by the governor with the consent of the senate. One of the appointed members shall be a resident of Sierra county; no more than three appointed members shall belong to the same political party. The seventh voting member is the secretary of economic development or the secretary's designee, who serves as chair. Nonvoting members are the lieutenant governor and the executive director of the authority. Appointed members must be residents of the state. Appointed members serve staggered four-year terms.

Other: The chair may appoint a nonvoting advisory committee to provide advice and recommendations on authority matters.

The chair, the executive director and four other voting members appointed by the chair constitute the spaceport authority executive committee, which has powers and duties as delegated by the authority.

The authority must be located within 50 miles of a southwest regional spaceport.

Powers and Duties: Section 58-31-5 NMSA 1978: the authority shall: (1) hire an executive director, who hires other staff; (2) advise the governor and the New Mexico finance authority oversight committee on methods, proposals, programs and initiatives involving the spaceport that stimulate space-related business and employment; (3) initiate, develop, acquire, own, construct, maintain and lease space-related projects; (4) contract; (5) create programs to expand high-technology economic opportunities; (6) create avenues of communication among federal agencies, the space industry, users of space launch services and academia; (7) promote

legislation to further its goals; (8) promote legislation that will further the goals of the authority and development of space business; (9) oversee and fund production of promotional literature; (10) identify significant science and technology trends and act as clearinghouse; (11) coordinate and expedite the executive branch's space-related development efforts; and (12) perform environmental, transportation, communication, land use and other technical studies.

The authority may: (1) advise and cooperate with municipalities, counties, state agencies, federal agencies and other interested persons; (2) solicit and accept public and private grants of funds, property or other aid; (3) adopt rules; (4) operate spaceport facilities; (5) construct, purchase, accept donations of or lease projects; (6) sell, lease or otherwise dispose of a project; (7) issue revenue bonds and borrow money; (8) enter into contracts and issue bonds on behalf of regional spaceport districts; (9) refinance a project; (10) contract for assistance in fulfillment of its duties; (11) collect tolls, fees or rentals and other charges; and (12) contract with spaceport districts to receive municipal and county gross receipts tax revenues.

The authority shall **not** incur debt as a general obligation of the state or pledge the full faith and credit or expend funds or incur debt for the improvement, maintenance or repair of property unless it is owned by the authority, the state or a political subdivision of the state.

Duplication, Similarity or Connection with Other Agencies: None noted for specific purpose.

Category: Commerce and Industry
Tourism Commission

Statutory Reference: Section 9-15A-8 NMSA 1978 (Tourism Department Act).

Organizational Status: Administratively attached to the tourism department.

Policy or Advisory? Policy-advisory.

Rulemaking Authority? Yes, for its own operation.

Federal Mandate? No

Senate Confirmation? Yes

Funding: Indirect through the tourism department; statutory per diem and mileage.

Membership: Seven members appointed by the governor and confirmed by the senate. No more than four from the same political party; at least one Native American; two members appointed from each congressional district; and the seventh member appointed at-large. Terms are seven years; the governor appoints the chair; the commission meets at the call of the chair not less than once each quarter. Removal only for incompetence, neglect of duty or malfeasance in office; the senate has exclusive original jurisdiction over removal proceedings.

Powers and Duties: Section 9-15A-8 NMSA 1978: provide advice to the department on policy matters and annually approve and update the state's five-year tourism plan.

Section 9-15A-9 NMSA 1978: develop and recommend policies and provide policy and program guidance; review, modify and approve annual updates to the five-year plan generated by the department; and establish rules for its own operation.

Duplication, Similarity or Connection with Other Agencies: The tourism department; the economic development commission.

Category: Commerce and Industry

Unemployment Compensation Board of Review

Statutory Reference: Section 51-1-8 NMSA 1978 (Unemployment Compensation Law).

Organizational Status: Created within the workforce solutions department.

Policy or Advisory? Appeals review.

Rulemaking Authority? No

Federal Mandate? Yes

Senate Confirmation? For gubernatorial appointees.

Funding: Federal funds.

Membership: Three members as follows: an employee of the department, appointed by the secretary, who serves as chair; one person representing employers and one person representing employees who are appointed by the governor with the advice and consent of the senate to serve at the governor's pleasure for four-year terms. The board meets at the call of the chair. Vacancies occurring between legislative sessions shall be filled by the governor until the next regular legislative session. Gubernatorial appointees may be removed by the governor.

Other: Statute appears to provide per diem and mileage plus \$15.00 per hour for the two appointees; maximum \$12,000 per fiscal year. Board has subpoena power.

Powers and Duties: Section 51-1-8 NMSA 1978: hear and review unemployment compensation appeals cases referred to it by the secretary; modify, affirm or reverse the decision of the hearing officer or remand to the claims examiner, the tax representative or the hearing officer for further proceedings. Board decisions are final administrative decisions of the department.

Section 51-1-28 NMSA 1978: administer oaths and affirmations; take depositions; certify to official acts; and issue subpoenas.

Duplication, Similarity or Connection with Other Agencies: None noted, given its appeals duties.

Category: Commerce and Industry
Unemployment Compensation State Advisory Council
and other industry and special councils

Statutory Reference: Section 51-1-25 NMSA 1978 (Unemployment Compensation Law).

Organizational Status: Unspecified

Policy or Advisory? Advisory to the workforce solutions department.

Rulemaking Authority? No

Federal Mandate? Yes

Senate Confirmation? No

Funding: Federal funds.

Membership: Composed of men and women, including an equal number of employer and employee representatives and members representing the general public, appointed by the secretary of labor.

Other: The department reports a job service employer council extant pursuant to Section 51-1-25 NMSA 1978. Council membership varies. The statute provides that members are compensated for wage loss sustained for attendance at formal meetings of the council or duly constituted committees and for travel expenses. The department reports that federal money is spent for the chair to go to Washington, D.C.

Powers and Duties: Section 51-1-25 NMSA 1978: aid the department in formulating policies and discussing problems relating to the administration of the Unemployment Compensation Law and in ensuring impartiality and freedom from political influence in the solution of such problems.

Section 51-1-26 NMSA 1978: advise the secretary on employment stabilization.

Duplication, Similarity or Connection with Other Agencies: Workforce solutions department.

Category: Commerce and Industry
Workers' Compensation and Occupational Disease Disablement,
Advisory Council on

Statutory Reference: Section 52-1-1.2 NMSA 1978 (Workers' Compensation Act).

Organizational Status: Unspecified; created in the administration.

Policy or Advisory? Advisory, but appoints a committee to designate health care providers.

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: Indirect through the workers' compensation administration; statutory per diem and mileage.

Membership: Six voting members, three representing employers and three representing workers, appointed by the governor for four-year terms; none can be attorneys. The director of the workers' compensation administration is an ex-officio, nonvoting member. Members must meet at least twice each year.

Powers and Duties: Section 52-1-1.2 NMSA 1978: annually review workers' compensation and occupational disease disablement and issue a report of its findings and conclusions; make recommendations relating to the adoption of rules and legislation, the method and form of statistical data collections; monitor the performance of the system; and appoint a committee for two-year terms composed of three members representing workers and three members representing employers, none of whom can be an attorney, to designate an approved list of health care providers to conduct independent medical examinations.

Duplication, Similarity or Connection with Other Agencies: The workers' compensation administration.

Category: Commerce and Industry
Workforce Development Board, State

Statutory Reference: Section 50-14-3 NMSA 1978 (Workforce Development Act).

Organizational Status: Unspecified; the office of workforce training and development, which is administratively attached to the office of the governor, provides technical, administrative and fiscal agent support to the board.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? Yes, the federal Workforce Investment Act of 1998.

Senate Confirmation? No

Funding: Indirect federal and state funds; statutory per diem and mileage.

Membership: The board consists of members as provided in the federal Workforce Investment Act of 1998, who are no longer specified in state law. Terms of public members are four years; the governor appoints a business representative as chair. Appointments must be made considering gender, ethnicity and geographic diversity in their appointments. The board meets at the call of the chair.

Other: A member of the board may not vote on a matter under consideration by the board relating to the provision of services by the member or by the entity the member represents or that would provide direct financial benefit to the member or the member's immediate family; members may not engage in any other activity determined by the governor to be a conflict of interest as provided in the state plan.

Powers and Duties: Section 50-14-4 NMSA 1978: develop a five-year state plan that shall be updated annually and revised in accordance with the requirements of the federal Workforce Investment Act of 1998; develop and improve the statewide activities funded pursuant to the workforce investment system and the one-stop delivery system; review local plans; comment annually on the measures taken pursuant to Section 113(b)(14) of the Carl D. Perkins Vocational and Applied Technology Education Act; develop allocation formulas for adult and youth employment and training activity funds to local areas; develop comprehensive state performance measures to assess the effectiveness of workforce investment activities; designate local workforce development areas; develop the statewide employment statistics system; and prepare reports and applications required for submission to the federal government. The board also reviews, evaluates and reports annually on the performance of all workforce development activities administered by state agencies involved with workforce development; develops linkages with the state board of education [public education department] and the commission on higher education [higher education department] to ensure coordination and nonduplication of

vocational education, apprenticeship, adult education, employment training programs and vocational rehabilitation programs with other workforce development and training programs; and provides policy advice regarding the application of federal or state law that pertains to workforce development.

The board may establish committees, one of which is a coordination oversight committee. Except for the oversight committee, committee members and duties are assigned by the board. The chair of the board appoints committee chairs from members of the board.

The coordination oversight committee consists of the secretaries of economic development, human services, labor [workforce solutions] and public education; representatives from community colleges, the commission on higher education [higher education department] and labor; one senator and one house member from different parties; the director of the office; and a member of the board, who is the chair. The committee considers five-, 10- and 15-year regional and statewide strategic plans proposed by the secretaries for employment growth and training. The education secretaries will propose appropriate education plans that address the strategic plans; the community college member will solicit input from the community college constituency and work with businesses and other partners and the economic development department to create career pathways and align curriculum and facilities plans with strategic plans of the economic development, human services and workforce solutions departments. The committee's proposals to the board are to facilitate a career pathways culture. The committee is also responsible for developing and proposing information technology coordination strategies; recommending coordination of program designs to avoid duplication or unproductive segmentation of services; and coordination of one-stop centers. All state agencies involved in workforce development activities shall annually submit their goals, objectives and policies for potential inclusion in the five-year plan. The plan shall include recommendations to the legislature on modification, consolidation, initiation or elimination of workforce training and education programs in the state.

All state agencies involved in workforce development activities shall annually submit to the board for its review and potential inclusion in the five-year plan their goals, objectives and policies. The plan shall include recommendations to the legislature on the modification, consolidation, initiation or elimination of workforce training and education programs in the state.

Duplication, Similarity or Connection with Other Agencies: Office of workforce training and development; local boards.

Category: Cultural Affairs

Arts Commission, New Mexico

Statutory Reference: Section 18-5-3 NMSA 1978.

Organizational Status: Unspecified

Policy or Advisory? Advisory to the arts division of the cultural affairs department.

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: Indirect through the cultural affairs department; statutory per diem and mileage.

Membership: Fifteen members broadly representative of all fields of creative and interpretative arts, appointed by the governor for staggered three-year terms. The governor appoints the chair; the commission elects the vice chair and secretary. The commission meets at least four times each year.

Powers and Duties: Section 18-5-5 NMSA 1978: advise the director of the arts division, the secretary of cultural affairs and the state government in general *where not in conflict with other statutory agencies*. Specifically charged with providing general art counsel to the governor and the arts division. Advise director on all division policies; and the director must consult with the commission prior to his approving, disapproving or modifying the distribution of federal and state program funds; the director must keep the commission informed of the fiscal affairs of the division.

Section 18-5-6 NMSA 1978: provide the list of candidates from which the secretary of cultural affairs appoints the arts division director.

Duplication, Similarity or Connection with Other Agencies: The arts division.

Category: Cultural Affairs

Cultural Properties Review Committee

Statutory Reference: Section 18-6-4 NMSA 1978 (Cultural Properties Act).

Organizational Status: Unspecified

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Funding: Indirect through the cultural affairs department; statutory per diem and mileage.

Membership: Nine members as follows: the state historian; one architectural historian; one historian; one architect; one prehistoric archaeologist; one historic archaeologist; one person in any of the foregoing professions; one person from an Indian nation, tribe or pueblo; and one person representing the general public. Except for the state historian, members are appointed by the governor. An appointed member must be accomplished in the member's field in the American southwest and have specialized knowledge of New Mexico. Appointed members serve four-year terms. Meetings are held at least once each quarter. The chair, vice chair and secretary are elected by the committee.

Powers and Duties: Section 18-6-5 NMSA 1978: primary function is to review proposals for the preservation of cultural properties. Powers and duties include: determining what constitutes historical, archaeological, scientific, architectural and other cultural significance for the purpose of identifying cultural properties that have historical or other cultural significance; preparing and maintaining proper documentation of the historic or other significance of cultural properties; inspection of all registered cultural properties periodically to ensure integrity and proper maintenance; recommendations regarding repairs, maintenance and other measures that should be taken to maintain registered status; issuance of rules pertaining to identification, preservation and maintenance of registered cultural properties; deleting from the official register any property whose owner does not comply with rules or follow committee recommendations for repair and maintenance, or for lack of merit for continued registry; making recommendations to the museum division [cultural affairs department] and other public cultural property administrators; providing technical advice to private owners, municipalities and counties; cooperating with federal, state, local and private agencies and persons engaged in the administration, development or other work relating to cultural properties; promoting public appreciation of New Mexico's historical and cultural heritage; issuing, with the concurrence of the state archaeologist and the state historic preservation officer, permits for examination or excavation of sites and the collection or removal of objects of antiquity or general scientific interest; providing advice to the state historic preservation officer and the museum director; and making an annual report.

In addition to its primary functions under the Cultural Properties Act, the committee has responsibilities under the Cultural Properties Protection Act, the Historic Preservation Loan Act and the New Mexico Prehistoric and Historic Sites Preservation Act.

Duplication, Similarity or Connection with Other Agencies: Historic preservation division.

Category: Cultural Affairs

Farm and Ranch Heritage Museum, Board of the

Statutory Reference: Section 18-11-5 NMSA 1978 (Farm and Ranch Heritage Museum Act).

Organizational Status: Policymaking board of the museum.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes

Funding: Indirect through the cultural affairs department; statutory per diem and mileage.

Membership: One nonvoting and 11 voting members. Eight members appointed by the governor with the advice and consent of the senate, five of whom shall be farmers or ranchers and three of whom shall be from the general public. The statute provides for the submission of appointment lists; provides that no more than four of the governor's appointments may be from same political party; and provides that distribution of places of residence, individual interests and backgrounds must be considered. Terms are four years, staggered. The following members or their designees have permanent seats: the director of the department of agriculture, the dean of the college of agriculture and home economics at New Mexico state university and the secretary of cultural affairs. The division director is the nonvoting member. Removal is limited to misconduct, incompetence, neglect of duty or malfeasance in office; removal must be made with prior approval of senate.

Powers and Duties: Section 18-11-7 NMSA 1978: establish museum policy, determine the mission and direct development of the museum, subject to the approval of the secretary of cultural affairs; adopt rules to carry out its powers and duties; exercise trusteeship over museum collections; accept and hold title to all museum property; approve contracts or agreements to carry out purposes of act; authorize director to solicit and receive funds or property; and review the performance of the director and report its findings to the secretary of cultural affairs.

The division director is appointed by the secretary of cultural affairs from a list of candidates provided by the board.

Duplication, Similarity or Connection with Other Agencies: The New Mexico farm and ranch heritage museum division and other museum divisions of the cultural affairs department. The museum also has a private foundation that raises money for special projects of the museum.

Category: Cultural Affairs

Film Museum, Board of Trustees of the New Mexico

Statutory Reference: Section 18-14-4 NMSA 1978 (New Mexico Film Museum Act).

Organizational Status: Created within the cultural affairs department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes

Funding: Indirect through the cultural affairs department; statutory per diem and mileage.

Membership: Eleven members appointed by the governor for four-year terms or less, so that their terms are coterminous with the governor who appointed them. Members shall be persons who have expertise or have demonstrated a continuing interest in the fields of film, filmmaking or museums; one member is the director of the film division of the economic development department or the director's designee. The governor shall give due consideration to geographic distribution. The secretary of cultural affairs, or designee, serves as the ex-officio nonvoting member. The governor designates the president, who serves at the governor's pleasure; the board elects other officers annually. The members are subject to the advice and consent of the senate.

Powers and Duties: Section 18-14-6 NMSA 1978: exercise trusteeship over the collections of the museum; accept and hold title to museum property; enter into agreements and contracts; solicit and receive money or property for the development of the museum, its collections and its programs; establish a film museum foundation; and adopt necessary rules.

Duplication, Similarity or Connection with Other Agencies: The cultural affairs department; the film division of the economic development department.

Category: Cultural Affairs

Fort Stanton Development Commission

Statutory Reference: Section 9-6-12 NMSA 1978.

Organizational Status: Administratively attached to the cultural affairs department.

Policy or Advisory? Unspecified, but the commission can expend state funds (Fort Stanton development fund).

Rulemaking Authority? Unspecified

Federal Mandate? No

Senate Confirmation? No

Funding: Does not appear to be funded in the general appropriation act, but statutory per diem and mileage for appointed members.

Membership: Seven members as follows: the chair of the Lincoln county commission or the chair's designee; the mayor of Ruidoso or the mayor's designee; the secretary of energy, minerals and natural resources or the secretary's designee; the state historic preservation officer or that officer's designee; and three members who are residents of Lincoln county appointed by the governor. The chair is elected annually from membership. Appointed members serve staggered six-year terms.

Powers and Duties: Section 9-6-13 NMSA 1978: plan, assemble, dispose of and acquire furnishings, art, landscaping materials and plants and other decorations for the public areas of Fort Stanton; monitor and report on the status of maintenance and make recommendations regarding repair, maintenance and renovations; develop statewide interest in Fort Stanton; and develop a comprehensive plan for the most appropriate and beneficial use of the property. Use the assistance of the cultural affairs department, other state agencies, nonprofit charitable corporations and other persons to carry out its duties; accept gifts, grants and donations; and publicly promote its endeavors and publish material.

Duplication, Similarity or Connection with Other Agencies: The property control division; the historic preservation division.

Category: Cultural Affairs

Hispanic Cultural Center, Board of Directors of the National

Statutory Reference: Section 18-12-4 NMSA 1978 (National Hispanic Cultural Center Act).

Organizational Status: Policy board of the Hispanic cultural center division of the cultural affairs department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes

Funding: Indirect through the cultural affairs department; statutory per diem and mileage.

Membership: Fifteen members appointed for staggered four-year terms by the governor with the advice and consent of the senate. The governor must consider the ethnic, economic and geographic diversity of the state to select individuals who have demonstrated awareness and support for traditional and contemporary Hispanic culture, arts and history and individuals who are knowledgeable in the areas of Hispanic performing, visual and oral arts, genealogy, family issues, education and business and administration. Two appointees are employees of state institutions of higher education or appropriate state agencies. The governor designates the board president, who serves at the governor's pleasure. The division director serves as an ex-officio, nonvoting member. Members may be removed for failure to attend three consecutive meetings, neglect of duty, incompetence, unprofessional conduct or for violating the act.

Powers and Duties: Section 18-12-5 NMSA 1978: exercise trusteeship over collections; accept and hold title to center property; review the director's performance and report; enter into agreements to obtain real or personal property for the center; adopt rules to carry out provisions of the act; establish policy, determine mission and direct development of the center; authorize the director to solicit and receive funds or property of any nature for the development of the center, its collections and programs.

The division director is appointed by the secretary of cultural affairs from a list of candidates provided by board.

Duplication, Similarity or Connection with Other Agencies: The Hispanic cultural division and the cultural affairs department; the museum also has a private foundation that raises money for special projects of the museum.

Category: Cultural Affairs

Intertribal Ceremonial Board

Statutory Reference: Section 9-15C-3 NMSA 1978 (Intertribal Ceremonial Act).

Organizational Status: Unspecified, but the intertribal ceremonial office is administratively attached to the tourism department.

Policy or Advisory? Unspecified

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: Unknown; statutory per diem and mileage.

Membership: Eight members, including the director of the intertribal ceremonial office, the secretary of tourism or designee and six members appointed by the governor who serve staggered five-year terms. All board members must be bona fide residents of the state and at least a majority of them must be Native American. Members cannot be removed during the term of office except for cause, following notice and the opportunity for a hearing.

Powers and Duties: None

Duplication, Similarity or Connection with Other Agencies: The intertribal ceremonial office.

Category: Cultural Affairs

King, Jr., Martin Luther, Commission

Statutory Reference: Section 28-19-1 NMSA 1978.

Organizational Status: Adjunct

Policy or Advisory? Policy

Rulemaking Authority? Unspecified

Federal Mandate? No

Senate Confirmation? No

Funding: General appropriation act; statute states that members receive no compensation for their services.

Membership: Thirteen members as follows: four members appointed by the governor; one member appointed by the president pro tempore of the senate; one member appointed by the minority leader of the senate; one member appointed by the speaker of the house; one member appointed by the minority leader of the house; the state treasurer; the secretary of state; the Native American appointed by the Indian affairs department; the director of the human rights division of the workforce solutions department; and the chair of the public regulation commission. Members serve staggered four-year terms. The chair is selected by members. The commission appoints the executive director.

Powers and Duties: Section 28-19-3 NMSA 1978: develop the plan for the commemoration and celebration of the holiday honoring Dr. King; develop recommendations for specific commemorative activities to be undertaken; coordinate state plans and activities with federal plans and activities; develop, with other agencies, an interpretive program that explores historical, social, political and cultural themes associated with the life and work of Dr. King; develop and acquire interpretive materials and publications of the significance of Dr. King's work and develop commemorative programs for state employees, school children and the general public; create a process to facilitate implementation of the master plan project and other recommendations made by the commission; prepare and provide to the general public advice, assistance and information on holiday activities; submit other studies, reports and recommendations to the governor and the legislature; and accept endowments and bequests.

Duplication, Similarity or Connection with Other Agencies: The office on African American affairs, human rights commission, cultural affairs department.

Can Existing Agency Perform Function? Yes, listed agencies or governor's office.

Category: Cultural Affairs

Library Commission, New Mexico State

Statutory Reference: Section 18-2-1 NMSA 1978.

Organizational Status: Unspecified

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: Indirect through the cultural affairs department; statutory per diem and mileage.

Membership: Five members, four of whom are appointed by the governor and one of whom is appointed from the membership of the state board of education [not clear if this position transfers to the public education commission or the public education department]; at least one member shall be a professionally trained librarian. Terms are six years, staggered.

Powers and Duties: Section 18-2-2 NMSA 1978: provide advice, upon request, to the state librarian on matters germane to the powers and duties of the state library or the state library division and any other matters related to libraries.

Duplication, Similarity or Connection with Other Agencies: The library division.

Can Existing Agency Perform Function? The library division, without formalized advice.

Category: Cultural Affairs

Museum Board of Regents

Statutory Reference: Section 18-3-2 NMSA 1978.

Organizational Status: Policymaking board for the museum of New Mexico, which consists of Santa Fe museums, archaeological services and state monuments.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes

Funding: Indirect through the cultural affairs department; statutory per diem and mileage.

Membership: Nine members appointed by the governor with the advice and consent of the senate; appointments must give consideration to geographical distribution of members; members must be conversant with and show continuing interest in history, fine arts, Indian art, folk art or anthropology. Terms are staggered for six years or less.

Powers and Duties: Section 18-3-3 NMSA 1978: elect officers; solicit and receive private funds; exercise trusteeship over museum collections; hold title to all property for museum use; acquire, preserve and exhibit objects of historical, archaeological and ethnological interest and works of fine art, folk art and craft, and real property for museum use or benefit; loan museum collections; enter into contracts for use of museum premises or facilities; enter into contracts for services related to location, preservation, restoration, salvage or development of historic, archaeological or other culturally related sites, structures or objects; publish and sell museum journals and other books and publications; enter into agreements or contracts to obtain gifts, donations or loans of museum materials; impose admission fees; and adopt rules and set policy directives.

Section 18-3-3.1 NMSA 1978: establish admission policy for senior citizens including free admission for residents over 60 years old every non-holiday Wednesday.

The directors of the New Mexico museum of art division, the palace of the governors state history museum division, the Indian arts and culture museum division, the international folk art museum division, the museum resources division and the state monuments division are appointed by the secretary of cultural affairs from lists provided by the board of regents.

Duplication, Similarity or Connection with Other Agencies: Other divisions and the cultural affairs department. The museum also has a private foundation that raises money for special projects of the museum.

Category: Cultural Affairs

Music Commission

Statutory Reference: Section 18-16-3 NMSA 1978 (Music Commission Act).

Organizational Status: Administratively attached to the arts division of the cultural affairs department.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: None; members do not receive per diem and mileage or any other compensation, perquisite or allowance.

Membership: Fifteen members appointed by the governor for staggered three-year terms who are residents, broadly representative of the various fields of music and widely known for their professional competence and experience. The governor appoints the chair, and the commission may appoint other officers. The commission shall hold at least four meetings each calendar year.

Powers and Duties: Section 18-16-4 NMSA 1978: advise the division, the department, other state agencies and the governor concerning the protection, promotion and preservation of music and the music industry in New Mexico; advise the division on music-related policies; advise and assist public agencies in elevating the role of music in New Mexico; foster appreciation of the value of music; make New Mexico a music destination for both visitors and music professionals; encourage the educational, creative and professional musical activities of the residents of New Mexico and attract outstanding musicians to New Mexico through appropriate programs of publicity, education and coordination and through direct activities, such as sponsorship of music; protect, promote and preserve the musical traditions of New Mexico; and accept, on behalf of the state, donations of money, property and other things of value as, in the division's discretion, are suitable and will best further the aims of the Music Commission Act.

Duplication, Similarity or Connection with Other Agencies: Arts division.

Category: Cultural Affairs

**Natural History and Science, Board of Trustees of the
New Mexico Museum of**

Statutory Reference: Section 18-3A-5 NMSA 1978 (Natural History and Science Museum Act).

Organizational Status: Policymaking board for the museum.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes

Funding: Indirect through the cultural affairs department; statutory per diem for public members, which is not allowed for private members.

Membership: Thirteen members. Eleven public members appointed by the governor with the advice and consent of the senate for four years or less coterminous with the current term of the appointing governor as follows: no fewer than two employees of the state institutions of higher learning; no fewer than two members from the science community; and no fewer than two from the natural history community. Two private members appointed by the board of the New Mexico museum of natural history foundation for terms of one year or less. The director of the division is an ex-officio, nonvoting member. The president of the board is designated by the governor and serves at the pleasure of the governor; other officers are elected annually.

Powers and Duties: Section 18-3A-7 NMSA 1978: exercise trusteeship over the museum collection; accept and hold title to museum property; review performance of the director and report to the secretary of cultural affairs; obtain real or personal property for museum use; authorize the director to solicit and receive funds or property; adopt rules to carry out powers and duties; and establish museum policy, determine the mission and direct development, subject to decision of the secretary of cultural affairs.

The division director is appointed by the secretary of cultural affairs from a list provided by the board of trustees.

Duplication, Similarity or Connection with Other Agencies: Division and department. The museum also has a private foundation that raises money for special projects of museum.

Category: Cultural Affairs

Space History Commission, New Mexico Museum of

Statutory Reference: Section 18-7-2 NMSA 1978.

Organizational Status: Policymaking board of the museum of space history.

Policy or Advisory? Policy

Rulemaking Authority? Unspecified

Federal Mandate? No

Senate Confirmation? No

Funding: Indirect through the cultural affairs department; statutory per diem and mileage.

Membership: Eleven members appointed by the governor. Four members are appointed at large; one member is appointed from each of the planning and development districts. Terms are staggered and for three years.

Powers and Duties: Section 18-7-3 NMSA 1978: to construct, maintain and operate the museum of space history. The commission establishes policy for the general operation of the museum; supervises the division director in museum-related activities.

Section 18-7-3.1 NMSA 1978: establish an admission policy for senior citizens, including free admission for residents over 60 years of age every non-holiday Wednesday.

Duplication, Similarity or Connection with Other Agencies: The museum of space history division and the cultural affairs department. The museum has a private foundation that raises money for special projects of the museum.

Category: Education, Higher

Education, State Commission on Post-Secondary

Statutory Reference: Section 21-2-3 NMSA 1978 (Post-Secondary Educational Planning Act).

Organizational Status: Post-secondary planning agency.

Policy or Advisory? N/A

Rulemaking Authority? Unspecified

Federal Mandate? Not per se; however, the higher education department is designated as the agency for certain federal programs.

Senate Confirmation? N/A

Funding: N/A

Membership: The department serves as the state commission on post-secondary education.

Powers and Duties: Section 21-2-3 NMSA 1978: concern for all types of post-secondary education and all types of educational institutions and programs; when federal law or regulations require, the commission may request that the governor name supplementary members to the commission.

Section 21-2-4 NMSA 1978: may establish committees or task forces; and may use existing agencies or organizations to make studies, conduct surveys, submit recommendations or otherwise contribute expertise.

Section 21-2-5 NMSA 1978: carry out a continuing program of statewide planning for post-secondary planning, including specific activities delineated in the section.

Section 21-2-5.1 NMSA 1978: develop a funding formula that will provide funding for each institution of higher education to accomplish its mission as determined by a statewide planning effort.

Section 21-2-6 NMSA 1978: consult with and invite active participation of representatives of higher, public and vocational education; state agencies; and commerce, industry and labor.

Section 21-2-7 NMSA 1978: submit annual report.

Sections 21-2-8 and 21-2-9 NMSA 1978: designated state agency for certain federal programs.

Duplication, Similarity or Connection with Other Agencies: N/A

Category: Education, Higher

Education Trust Board

Statutory Reference: Section 21-21K-4 NMSA 1978 (Education Trust Act).

Organizational Status: Administratively attached to the higher education department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Funding: Unclear, may be from the education trust fund; statutory per diem and mileage.

Membership: Five members as follows: the director of the commission on higher education [secretary of higher education] or the director's designee, who serves as chair; the state investment officer or the state investment officer's designee; one member appointed by the governor; one member representing institutions of higher education appointed by the speaker; and one member representing students at institutions of higher education appointed by the president pro tempore of the senate. Appointed members must possess knowledge, skill and experience in higher education, business or finance. Terms are six years, except for the student member, who has a two-year term.

Other: The commission [department] is required to provide administrative support.

Powers and Duties: Section 21-21K-4 NMSA 1978: promulgate rules to carry out the act; protect the financial integrity of the fund; preserve program benefits and ensure appropriate use of tax benefits; and determine the cost of attendance at institutions of higher education, which must use the same components and allowances as federal student financial assistance programs.

Section 21-21K-3 NMSA 1978: administer the education trust fund; enter into contracts with investors; review fund investments at least quarterly; pay institutions of higher education on behalf of beneficiaries; and create separate trust funds or accounts within the fund.

Section 21-21K-5 NMSA 1978: be a party to college investment agreements; provide for the direct payment of principal, investment earnings and capital appreciation to the institution of higher education the beneficiary actually attends; approve circumstances for predesignation of the beneficiary; establish a refund policy; and annually notify each investor of the status of the fund.

Section 21-21K-6 NMSA 1978: promulgate rules to establish a prepaid higher education tuition program.

Section 21-21K-7 NMSA 1978: report annually to the governor and the appropriate interim committee.

Duplication, Similarity or Connection with Other Agencies: The higher education department, the state investment council, the state treasurer and the educational assistance foundation.

Category: Education, Higher

Higher Education Advisory Board

Statutory Reference: Section 9-25-10 NMSA 1978 (Higher Education Department Act).

Organizational Status: Administratively attached to the higher education department, with administrative staff provided by the department.

Policy or Advisory? Advisory

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Funding: Indirect through the higher education department; statutory per diem and mileage.

Membership: The secretary of higher education appoints 14 members giving due regard to geographic representation, cultural diversity and the composition of higher education institutions in the state. Four members shall represent the four-year institutions, one each from the university of New Mexico, New Mexico state university, New Mexico institute of mining and technology and one from either eastern, western or highlands university. Three members shall represent the two-year institutions, one member shall represent accredited private post-secondary institutions; one member shall represent business; one member shall represent college and university faculty; one member shall represent nonfaculty staff; one member shall be a college or university student; one member shall represent tribal colleges; and one member shall represent Indian nations, tribes and pueblos. The institutional representatives shall be the chief executive officers or their designees. The faculty, nonfaculty staff and student members shall be the leaders of their organizations. The student member serves a two-year term and other members serve four-year terms. Terms are staggered. The board annually elects a chair, vice chair and secretary. The board meets at the call of the chair at least quarterly.

Powers and Duties: Section 9-25-10 NMSA 1978: advise the department and the governor on policy matters and perform other functions as provided by law.

Duplication, Similarity or Connection with Other Agencies: The higher education department; the public education commission.

Category: Education, Higher

Public Service Law Advisory Committee

Statutory Reference: Section 21-22F-8 NMSA 1978 (Public Service Law Loan Repayment Act).

Organizational Status: Advisory to the commission on higher education [higher education department].

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: No direct appropriation; per diem and mileage not statutory.

Membership: The dean of the university of New Mexico law school or designee; the executive director of New Mexico legal aid or the executive director's designee who is an attorney employed with a 501(c)(3) civil legal services organization; the chief public defender or designee; a district attorney appointed by the district attorneys association; and a financial aid or career services officer of the university of New Mexico law school designated by the dean.

Powers and Duties: Section 21-22F-8 NMSA 1978: make recommendations to the commission [department] on applicants for the program; advise the commission [department] on the adoption of rules to implement the provisions of the Public Service Law Loan Repayment Act; and give other advice or assistance as requested.

Duplication, Similarity or Connection with Other Agencies: Higher education department; educational assistance foundation.

Category: Education, Higher

Regents, Boards of State Educational Institutions

Eastern New Mexico University, New Mexico Highlands University, New Mexico Institute of Mining and Technology, New Mexico Military Institute, New Mexico State University, Northern New Mexico State School [Northern New Mexico college], University of New Mexico and Western New Mexico University.

Statutory Reference: Article 12, Section 13 of the constitution of New Mexico; pertinent articles of Chapter 21 NMSA 1978.

Organizational Status: Independent

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes

Funding: General appropriation act; members' per diem and mileage included in institution budgets.

Membership: Five members appointed by the governor with the advice and consent of the senate, no more than three of whom may have the same political affiliation. One of the five regents at eastern New Mexico university, New Mexico highlands university, New Mexico institute of mining and technology, New Mexico state university and western New Mexico university is a student. Nonstudent regents must be qualified electors of the state and their terms are six years, staggered. Student regents are appointed from lists provided by the presidents of the institutions and serve two-year terms. New Mexico military institute and northern New Mexico state school [northern New Mexico college] regents are all qualified electors.

UNM Membership: Seven members appointed by the governor with the advice and consent of the senate, six of whom are qualified electors and one of whom shall be a student; no more than four shall be from the same political party. Terms and other provisions and terms are the same as the other institutions.

Removal is only for incompetence, neglect of duty or malfeasance in office. The supreme court has exclusive original jurisdiction over proceedings to remove members and its decision is final.

Powers and Duties: New Mexico state constitution Article 12, Section 13: charged with the management and control of the school, the care and preservation of all school property, the construction of all necessary facilities and the disbursement and expenditure of all money received by the respective institution. The board may sue and be sued, contract and be

contracted with and make and use a common seal as well as alter that seal at pleasure. The board hires a president for the university as its chief executive officer and determines the scope of the president's duties and authority. The board may also fix the salaries of professors, teachers and other employees as well as the tuition fees paid by students of the college.

Other: See specific statutes for special powers and duties of individual boards of regents.

Duplication, Similarity or Connection with Other Agencies: Each constitutionally created state educational institution has a board of regents that controls and manages the institution.

Category: Education, Other

**Blind and Visually Impaired, Board of Regents of the
New Mexico School for the**

Statutory Reference: Article 12, Section 13 of the constitution of New Mexico; Section 21-5-2 NMSA 1978.

Organizational Status: Independent

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes

Funding: General appropriation act; members' per diem and mileage provided in the institution's budget.

Membership: Five members appointed by the governor for staggered six-year terms, no more than three of whom may have the same political affiliation. At least one member shall be visually handicapped and one member shall be a parent of a visually handicapped child.

Powers and Duties: Section 21-5-2 NMSA 1978: manage and control school, care and preserve all school property, construct all necessary facilities and disburse and expend all money received by the New Mexico school for the blind and visually impaired. The board may sue and be sued, contract and be contracted with and make and use a common seal and alter that seal at pleasure.

Duplication, Similarity or Connection with Other Agencies: The board of regents of the New Mexico school for the deaf.

Category: Education, Other

Deaf, Board of Regents of the New Mexico School for the

Statutory Reference: Article 12, Section 13 of the constitution of New Mexico; Section 21-6-1 NMSA 1978.

Organizational Status: Independent

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes

Funding: General appropriation act; members' per diem and mileage included in institution budget.

Membership: Five members appointed by the governor with the consent of the senate for staggered six-year terms, no more than three of whom have the same political affiliation, including one deaf person and the parent of a deaf child.

Powers and Duties: Section 21-6-1 NMSA 1978: employ a superintendent, teachers and all other necessary employees to operate the New Mexico school for the deaf in the most efficient manner; and manage and control the school.

Duplication, Similarity or Connection with Other Agencies: Board of regents of the New Mexico school for the blind and visually impaired.

Category: Education, Public

Data System Council

Statutory Reference: Section 22-1-11 NMSA 1978.

Organizational Status: Council for public education and higher education departments as data system partners.

Policy or Advisory? Advisory, though the council does develop the data management plan.

Rulemaking Authority? No

Federal Mandate? No, but data, particularly longitudinal data, are often prerequisites for federal and other grant applications, including race to the top funding.

Senate Confirmation? No

Funding: No

Membership: The data system partners (the public education and higher education departments) convene council that includes: secretary of public education or designee; secretary of higher education or designee; secretary of children, youth and families or designee; secretary of workforce solutions or designee; secretary of economic development or designee; secretary of information technology or designee; secretary of human services or designee; secretary of health or designee; director of the office of education accountability or designee; director of public school facilities authority or designee; representative from the governor's office; presidents or their designees of one research university, one four-year comprehensive university, two branch colleges and two independent community colleges; at least six public school superintendents or their designees from small, medium and large school districts equally; at least three charter school administrators or designees; the director of the legislative education study committee or designee; and the director of the legislative finance committee or designee.

Powers and Duties: Section 22-1-11 NMSA 1978: meet at least four times each year; create a management plan that assigns authority and responsibility for the operation of the data system among the educational agencies whose data are included in the data system; assist educational agencies whose data are included in the data system in developing interagency agreements; develop a strategic plan for the data system; and create policies that ensure users have prompt and reasonable access to reports generated from the data system, including identification of categories of data system users based on security level; descriptions of the reports that the data system is capable of generating on demand; and definitions of the most timely process by which users may retrieve other reports without compromising the security of the data system or the privacy of any person whose personally identifiable information is contained in the data system.

Duplication, Similarity or Connection with Other Agencies: PED, HED.

Category: Education, Public

Family and Youth Resource Advisory Committee

Statutory Reference: Section 22-2D-2 NMSA 1978.

Organizational Status: Advisory to the public education department.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: Indirect through the department budget; statutory per diem and mileage for nonstate members.

Membership: The secretary of public education, the secretary of health, the secretary of human services and the secretary of children, youth and families, or their designees, and the following members appointed by the state board [secretary]: one representative each from four different local community-based organizations, including faith-based providers, involved in the provision of health or social services to families and one local superintendent or the superintendent's designee from a school district in which there are more than two schools eligible to participate in family and youth resources programs. Committee must meet at least once a year; special meetings are at the call of the chair or the request of a majority of the members. The department serves as staff for the committee.

Powers and Duties: Section 22-2D-2 NMSA 1978: recommend guidelines for the creation, implementation and operation of programs; recommend standards and criteria for awarding grants and the form and content of grant applications; and review grant applications and make recommendations within 90 days of receipt of the applications.

Duplication, Similarity or Connection with Other Agencies: Public education department and public education commission.

Category: Education, Public

Hispanic Education Advisory Council

Statutory Reference: Section 22-23B-5 NMSA 1978 (Hispanic Education Act).

Organizational Status: Advisory to the secretary of public education.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Unspecified; no per diem, mileage or other compensation for members.

Membership: No more than 23 members; all appointed by the secretary of public education who serve at the pleasure of the secretary. Members must be knowledgeable about and interested in the education of Hispanic students and include: representatives of public schools; post-secondary education and teacher preparation programs; parents; Hispanic cultural, community and business organizations; other community and business organizations; and other interested persons. In choosing members, the secretary must give due regard to geographic representation. The council elects its own chair and other officers.

Powers and Duties: Advise the secretary of public education on matters related to improving public school education for Hispanic students; increase parent involvement and community engagement in the education of Hispanic students; and increase the number of Hispanic high school graduates who succeed in post-secondary academic, professional or vocational education.

Duplication, Similarity or Connection with Other Agencies: Public education department and public education commission.

Category: Education, Public

Indian Education Advisory Council

Statutory Reference: Section 22-23A-6 NMSA 1978 (Indian Education Act).

Organizational Status: Advisory to the secretary of public education and the assistant secretary for Indian education.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: Indirect through the public education department; statutory per diem and mileage for members.

Membership: Four representatives from the Navajo Nation; one representative each from the Mescalero Apache Tribe and the Jicarilla Apache Nation; two representatives each from the southern pueblos and the northern pueblos; three members representing urban areas, including Albuquerque, Gallup and Farmington; three at-large representatives, one each from the Bureau of Indian Affairs (BIA), a head start organization and the general public, at least one of whom shall be nontribal but all of whom shall have knowledge of and involvement in the education of tribal students. Members appointed by the secretary of public education with input from New Mexico tribes and organizations involved in education of tribal students. Chair elected by membership.

Powers and Duties: Section 22-23A-6 NMSA 1978: meet semiannually with representatives from all tribes, members of the public education commission, the governor's office, the Indian affairs department, the legislature and the secretary of education to assist in evaluating, consolidating and coordinating all activities related to education of Indian students.

Duplication, Similarity or Connection with Other Agencies: Public education department and public education commission.

Category: Education, Public

Mathematics and Science Advisory Council

Statutory Reference: Section 22-15E-4 NMSA 1978 (Mathematics and Science Education Act).

Organizational Status: Advisory to the mathematics and science bureau of the public education department.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: Indirect through department; statutory per diem and mileage.

Membership: Twelve members appointed by the secretary of public education for staggered terms of four years. Using a statewide application process, the secretary appoints members from throughout the state so as to ensure representation of the state's demographics, including geographic distribution, gender and ethnic diversity and as follows: (1) four members from public schools, including at least two mathematics and science teachers and a school district administrator with experience in mathematics and science curricula; (2) three members from public post-secondary educational institutions with expertise in mathematics or science education; (3) four members from the private sector, including the national laboratories, museums and science- and engineering-based businesses; and (4) one member who represents the New Mexico partnership for mathematics and science education. Members elect the chair. The council meets at the call of the chair not less than quarterly.

Powers and Duties: Section 22-15E-5 NMSA 1978: advise the bureau on implementation of the bureau's duties pursuant to the act; make recommendations to the bureau and the department regarding the statewide strategic plan for improving mathematics and science education and advise on its implementation and incorporation into the department's five-year strategic plan for public elementary and secondary education in the state; advise the bureau, the department and the legislature regarding appropriations for mathematics and science education, administration, resources and services, including programs for public school students and staff; work with the bureau to determine the need for improvement in mathematics and science achievement of public school students and make recommendations to the department on how to meet these needs; and produce an annual report on public elementary and secondary mathematics and science student achievement to be submitted to the department, the governor and the legislature no later than November 30 of each year.

Duplication, Similarity or Connection with Other Agencies: Department and public education commission.

Category: Education, Public

Military Children Education Compact State Council

Statutory Reference: Section 11-8B-2 NMSA 1978.

Organizational Status: Required under the Interstate Compact on Educational Opportunity for Military Children.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Unspecified; no per diem, mileage or other compensation for members.

Membership: Unspecified in the statute, but the compact requires the following members: the secretary of public education, the superintendent of a school district with a high concentration of military children, one representative from a military installation, one representative from the executive branch of government and other offices and stakeholder groups the state council deems appropriate. A member state that does not have a school district deemed to contain a high concentration of military children may appoint a superintendent from another school district to represent local education agencies on the state council. Also, the compact commissioner and the military family education liaison designated in this article shall be ex-officio nonvoting members of the state council, unless either is already a full voting member of the state council.

Powers and Duties: Provide for the coordination among its agencies of government, local education agencies and military installations concerning the state's participation in and compliance with the Interstate Compact on Educational Opportunity for Military Children and interstate commission activities. Appoint or designate a military family education liaison to assist military families and the state in facilitating the implementation of the compact.

Duplication, Similarity or Connection with Other Agencies: Public education department and public education commission. The compact specifically states that an existing body or board may carry out the charge of the state council.

Category: Education, Public

Public Education Commission

Statutory Reference: Article 12, Section 6 of the constitution of New Mexico; Section 9-24-9 NMSA 1978 (Public Education Department Act); Section 22-3-54.1 NMSA 1978 (2001 Educational Redistricting Act).

Organizational Status: Administratively attached to the public education department and the administrative staff provided by department.

Policy or Advisory? Advisory, except for statutory duty to govern vocational education.

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: General appropriation act; members' per diem and mileage are included in department budget.

Membership: Ten members elected from districts for staggered four-year terms as provided by law. These commission members must be residents of the board of education district from which they are elected. Change of residence of a commission member to a place outside the district from which the member was elected automatically terminates the term of that member. The governor fills vacancies on the commission by appointment of a resident from the district in which the vacancy occurs until the next regular election for membership on the commission. The commission shall meet at the call of the chair at least quarterly. Meetings shall be held in Santa Fe and at other sites at the direction of the commission. The chair in consultation with the secretary shall call a meeting at the request of the majority of the members. Members shall not vote by proxy. No member of the commission shall be appointed secretary or be employed by the department. Administrative staff shall be provided by the department and additional requests for staff services shall be made through the secretary.

Powers and Duties: Article 12, Section 6 of the constitution of New Mexico is silent on the powers and duties of the commission. A 2003 constitutional amendment gave the newly created public education department the power to determine public school and vocational education policy; to control, manage and direct distribution of school funds and financial accounting for all public schools.

Section 22-2-2.2 NMSA 1978: work with the department to develop and update the five-year strategic plan for public elementary and secondary education in the state; solicit the input of persons who have an interest in public school policy, including local school boards, school districts and school employees, home schooling associations, parent-teacher associations, educational organizations, the commission on higher education [higher education department], colleges, universities and vocational schools, state agencies responsible for educating resident

children, juvenile justice agencies, work force development providers, and business organizations. The commission shall also solicit input from local school boards, school districts and the public on policy and governance issues and report its findings and recommendations to the secretary and the legislature; and recommend conduct and process guidelines and training curricula for local school boards.

Section 22-14-2 NMSA 1978: The commission is the governing authority and sole state agency for vocational education programs.

Duplication, Similarity or Connection with Other Agencies: The public education department.

Category: Education, Public

Public School Capital Outlay Council

Statutory Reference: Section 22-24-6 NMSA 1978 (Public School Capital Outlay Act).

Organizational Status: Unspecified, but includes the public school facilities authority.

Policy or Advisory? Unspecified, but makes policy regarding funding.

Rulemaking Authority? Unspecified, but the council sets annual funding criteria and standards.

Federal Mandate? No

Senate Confirmation? No

Funding: No direct appropriation; per diem and mileage not statutory.

Membership: The secretary of finance and administration, state superintendent [secretary of public education], governor, president of the New Mexico school boards association, director of construction industries division, president of the public education commission, director of the legislative education study committee, director of the legislative finance committee and director of the legislative council service. Members may designate someone to serve in their place. The chair is elected from among members. Meets at the call of the chair.

Powers and Duties: Investigate all applications for assistance from the fund and certify approved applications to the secretary of finance and administration.

Section 22-24-4 NMSA 1978: determine capital expenditures from public school capital outlay fund; authorize purchase of portable classrooms by the public school facilities authority to be loaned to school districts to meet temporary requirements.

Section 22-24-4.1 NMSA 1978: define and develop guidelines for school districts to identify outstanding serious deficiencies in school buildings and grounds; develop methodology for prioritizing correction projects; approve allocations; and enter into construction contracts by June 2005 and expend funds no later than June 30, 2007, unless council determines additional time is necessary.

Sections 22-24-4.3 and 22-24-4.4 NMSA 1978: develop guidelines for roof repair and replacement initiative and approve projects; distribute money for making roof corrections, provided money is expended no later than September 30, 2008.

Sections 22-24-5 and 22-24-5.1 NMSA 1978: approve applications for grant assistance from fund.

Section 22-24-5.3 NMSA 1978: adopt guidelines to assist school districts in development and implementation of preventive maintenance plans.

Section 22-24-5.4 NMSA 1978: bring legal action against a school district for failing to maintain or improve district facilities.

Other: Section 22-24-9 NMSA 1978 creates the public school facilities authority under the council to serve as staff to the council, assist school districts with the development and implementation of five-year facilities plans and preventive maintenance programs, procurement of architectural and engineering services, management and oversight of construction activities and training programs.

Duplication, Similarity or Connection with Other Agencies: The public education department administers public school capital improvements fund and the public school district general obligation bonds loan fund.

Category: Education, Public

Public School Insurance Authority, Board of Directors of the

Statutory Reference: Section 22-29-5 NMSA 1978 (Public School Insurance Authority Act).

Organizational Status: Adjunct

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Funding: General appropriation act.

Membership: Nine members as follows: one member selected by the secretary of public education; one school business official selected by school administrators; one board member of the school boards association, selected by the association; one superintendent selected by the superintendents' association; three members selected by the New Mexico national education association and federation of teachers; one member selected by the board from lists submitted by educational entities; and three members appointed by the governor. Members serve at the pleasure of the appointing authority, not to exceed three years.

Powers and Duties: Section 22-29-7 NMSA 1978: hire director; appoint other staff; contract; operate authority.

Duplication, Similarity or Connection with Other Agencies: Risk management division of the general services department; Albuquerque school district self-insures.

Category: Education, Public

Regional Education Coordinating Councils

Statutory Reference: Section 22-2B-3 NMSA 1978 (Regional Cooperative Education Act).

Organizational Status: Governing body of a cooperative. Cooperatives are individual state agencies administratively attached to the public education department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Funding: General appropriation act.

Membership: Councils are composed of the superintendents or chief administrative officers of local school districts of state-supported educational institutions participating in the cooperative.

Other: Upon authorization by the public education department, local school boards may join with other local school boards or other state-supported educational institutions to create regional education cooperatives to provide education-related services.

Cooperatives submit budgets to the public education department instead of to the department of finance and administration. A council may be designated as a board of finance. Cooperatives are exempt from the Personnel Act.

Powers and Duties: Section 22-2B-5 NMSA 1978: oversee the function and operation of the cooperative, adopt a budget and hire a director and other staff.

Duplication, Similarities or Connection with Other Agencies: School districts; regional cooperative centers.

Category: Education, Public

Technology in Education, Council on

Statutory Reference: Section 22-15A-5 NMSA 1978 (Technology for Education Act).

Organizational Status: Advisory to the education technology bureau [literacy, technology and standards bureau of the instructional support division of the public education department], the state board [department] and the legislature.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: Indirect through the public education department; statutory per diem and mileage.

Membership: Seventeen members appointed by the public education department for staggered four-year terms. Members are: one member with expertise in state government; three members with expertise in school district administration; two members with expertise in providing instructional services in post-secondary, technical-vocational or adult education; three members with expertise in providing instructional services in elementary or secondary schools; two members who are parents of school-age children; one member who is a public school secondary student; three members with expertise in educational technology; and two members at large. Membership should be representative of geographic and cultural diversity.

Powers and Duties: Section 22-15A-7 NMSA 1978: advise bureau on the implementation of the act; work with bureau to conduct periodic assessments of need for educational technology and make recommendations to the department; promote collaborative development and implementation of educational technologies, projects and practices to enhance instruction capabilities; develop and recommend to the department a statewide plan to infuse educational technology into the school system in support of state and national education goals; provide assistance to the bureau in review of school district technology plans; support on-site and distance learning; and develop and recommend a statewide cyber academy plan.

Duplication, Similarity or Connection with Other Agencies: The public education department; the information technology commission.

Category: Environment and Natural Resources
Coal Surface Mining Commission

Statutory Reference: Section 69-25A-4 NMSA 1978 (Surface Mining Act).

Organizational Status: Unspecified

Policy or Advisory? Policy for the mining and minerals division of the energy, minerals and natural resources department.

Rulemaking Authority? Yes

Federal Mandate? Yes. The Surface Mining Act is in response to the federal act; the state has opted to administer a state program on surface mining and reclamation.

Senate Confirmation? Yes, non-ex-officio members.

Funding: Indirect through the energy, minerals and natural resources department; statutory per diem and mileage.

Membership: The director of the bureau of mines and mineral resources, director of the department of game and fish, secretary of environment, chair of the soil and water conservation commission, director of the agricultural experiment station, state engineer, commissioner of public lands and two public members appointed by the governor with the advice and consent of the senate. Public members must have expertise related to mining or mine reclamation. The commission meets at the call of the chair or a majority of the members. No member may have a direct or indirect financial interest in any activity undertaken by the commission.

Other: The commission is one of the few policymaking commissions for state agencies that has a sunset provision.

Powers and Duties: Section 69-25A-5 NMSA 1978: adopt and file rules to implement the Surface Mining Act.

Section 69-25A-29 NMSA 1978: take appeals from decisions of the director.

Duplication, Similarity or Connection with Other Agencies: The energy, minerals and natural resources department; bureau of mines and mineral resources.

Category: Environment and Natural Resources
Emergency Response Commission, State

Statutory Reference: Section 74-4E-4 NMSA 1978 (Hazardous Chemicals Information Act).

Organizational Status: Unspecified; "department" is defined in the act as the department of public safety.

Policy or Advisory? Has supervisory authority to implement the federal act.

Rulemaking Authority? Unspecified

Federal Mandate? Yes, the federal Emergency Planning and Community Right-to-Know Act of 1986.

Senate Confirmation? No

Funding: Indirect through the department of public safety; statutory per diem and mileage.

Membership: Seven members appointed by the governor, including representatives of private industry, federal facilities, public health and public safety. Terms are four years, staggered. The governor designates the chair.

Powers and Duties: Section 74-4E-4 NMSA 1978: exercise supervisory authority to implement Title 3 in the state; prescribe reporting forms required by the act; provide direction to the hazardous materials safety board; report periodically to the radioactive and hazardous materials committee; report annually to the governor and the legislature; accept grants to carry out the purposes of the Hazardous Chemicals Information Act; and make contracts.

Duplication, Similarity or Connection with Other Agencies: Technical and emergency support division of the department of public safety [homeland security and emergency management department]; the hazardous materials safety board.

Category: Environment and Natural Resources
Environmental Improvement Board

Statutory Reference: Section 74-1-4 NMSA 1978 (Environmental Improvement Act).

Organizational Status: Policy board for the department of environment.

Policy or Advisory? Policy; provides programmatic direction to the department of environment.

Rulemaking Authority? Yes; the board promulgates all rules applying to persons and entities outside the department.

Federal Mandate? Not per se, but the board serves as a required agency for certain federal programs.

Senate Confirmation? Yes

Funding: General appropriation act; indirect through the department; statutory per diem and mileage.

Membership: Seven members appointed by the governor with the advice and consent of the senate; appointed for overlapping terms with no term exceeding five years; no more than four from the same political party. At least a majority of members must represent the public interest and not derive any significant portion of their income from persons subject to or who appear before the board on issues related to the federal Clean Air Act or the Air Quality Control Act. The board meets at the call of chair or a majority of its members.

Other: Section 9-7A-12 NMSA 1978 provides for the board's exemption from the authority of the secretary of environment.

Powers and Duties: Section 74-1-5 NMSA 1978: promulgate all external rules.

Section 74-1-8 NMSA 1978: provide environmental management and consumer protection, including the following areas: food protection; water supply; liquid waste; air quality management as provided in the Air Quality Control Act; radiation control as provided in the Radiation Protection Act; noise control; nuisance abatement; vector control; occupational health and safety as provided in the Occupational Health and Safety Act; sanitation of public swimming pools and public baths; plumbing, drainage, ventilation and sanitation of public buildings; medical radiation, health and safety certification and standards for radiologic technologists as provided in the Medical Radiation Health and Safety Act [Medical Imaging and Radiation Therapy Health and Safety Act]; hazardous wastes and underground storage tanks as provided in the Hazardous Waste Act; and solid waste as provided in the Solid Waste Act.

Other acts for which the board has responsibility: the Food Service Sanitation Act; New Mexico Food Act; Flour and Bread Act; raw milk sold at retail; Radiation Protection Act; Rural

Infrastructure Act; Tire Recycling Act; Ground Water Protection Act; and Environmental Compliance Act.

Section 74-6B-7 NMSA 1978: regulate, take corrective action and establish priorities for sites contaminated by storage tanks; use discretion to set aside a fund for emergency corrective action as provided for in the Ground Water Protection Act.

Duplication, Similarity or Connection with Other Agencies: The department of environment.

Category: Environment and Natural Resources
Fire Planning Task Force

Statutory Reference: Section 68-2-34 NMSA 1978.

Organizational Status: Intergovernmental entity.

Policy or Advisory? Unspecified; as an intergovernmental task force presumably advisory; however, task force develops standards for building codes and ordinances.

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: Unspecified; statutory per diem and mileage for public members.

Membership: Twelve members as follows: state fire marshal; director of local government division; a representative of the commissioner of public lands; a representative of the federal bureau of land management, appointed by the governor after consultation with the department of the interior; a representative of the United States forest service, appointed by the governor after consultation with the forest service; a member of a local fire department, appointed by the governor; a member of a volunteer fire department [appointer not named]; a representative of the association of counties; representative of the municipal league; director of the construction industries division; the state forester; and a representative of an Indian nation, tribe or pueblo, appointed by the governor. The chair is elected by the task force; the task force meets at the call of the chair.

Powers and Duties: Section 68-2-34 NMSA 1978: identify those areas in the state that because of the interface between forests and urban buildings, are the most vulnerable to danger from forest fires; develop standards for building codes and ordinances that will reduce the threat of forest fires; work with communities in affected areas; and report to the governor and the legislature by December 15 of each year.

Duplication, Similarity or Connection with Other Agencies: Constituent agencies.

Category: Environment and Natural Resources
Game Commission, State

Statutory Reference: Section 17-1-2 NMSA 1978.

Organizational Status: Administratively attached to the energy, minerals and natural resources department (this is the only occurrence of a commission and its department being administratively attached to another department).

Policy or Advisory? Policy; the commission operates the department of game and fish.

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes

Funding: The general appropriation act; members' per diem and mileage provided in the department budget.

Membership: Seven members, no more than four of whom belong to the same political party at the time of their appointment, are appointed by the governor with the advice and consent of the senate. Members serve staggered four-year terms. Five members are appointed from districts as specified in Section 17-1-2 NMSA 1978 and two members are appointed at large. At least one member must manage and operate a farm or ranch that contains at least two species of wildlife; at least one member shall have a demonstrated history of involvement in wildlife and habitat protection issues and an occupation that is not in conflict with wildlife and habitat advocacy.

Powers and Duties: Section 17-1-5 NMSA 1978: employ a director of the department and discharge him for reasons the commission deems sufficient.

Section 17-1-14 NMSA 1978: general control over the collection and disbursement of all money collected under state law for protection and propagation of game and fish; establish and operate fish hatcheries; declare closed seasons; establish game reserves; purchase refuges for game reserves; receive land suitable for department purposes; apply for and accept grants and donations; designate certain areas as rest grounds for migratory birds; close any public stream or lake; propagate, capture, purchase, transport or sell any species of game or fish; suspend or revoke any license or permit issued pursuant to Chapter 17 NMSA 1978 and withhold license privileges; adopt rules; conduct endangered and nongame species management studies; establish and charge fees for licenses, permits and certificates; prohibit all hunting during extreme forest fire danger; permit, regulate or prohibit commercial taking or capturing of native, free-ranging amphibians or reptiles not specifically protected by law, except rattlesnake roundups, collection of fish bait and lizard races; control, eradicate or prevent the spread of contagious diseases, pests or parasites in wild populations; and designate public and private areas in which bear-proof containers are required.

Section 17-1-18 NMSA 1978: grants commission bonding authority (Game and Fish Bond Act).

Section 17-1-26 NMSA 1978: spend reasonable amounts of money for eradication of predatory animals.

Section 17-2-1 NMSA 1978: define game birds, animals and fish; establish open and closed seasons; establish bag limits; authorize or prohibit killing or taking of game animals, birds or fish; prescribe manner, methods and devices that may be used in hunting or taking; prescribe rules to prohibit any vehicle engaged in hunting or taking from leaving established roadways; and appoint advisory committees to evaluate and recommend wildlife management projects using revenue derived from the sale of public land management stamps.

Section 17-2A-2 NMSA 1978: develop a statewide system for hunting activities; and register hunting guides and outfitters.

Other acts for which the commission is responsible: The Wildlife Conservation Act; Regulated Shooting Preserve Act; Sections 17-4-1 through 17-4-32 NMSA 1978 related to propagation of fish and game; Sections 17-5-1 through 17-5-9 NMSA 1978 relating to trappers and fur dealers; Habitat Protection Act; Shooting Range Fund Act; and appoint compact administrator for Wildlife Violator Compact.

Duplication, Similarity or Connection with Other Agencies: There may be natural, though not statutory, affinity with aspects of the state parks division mission.

Category: Environment and Natural Resources
Hazardous Materials Safety Board

Statutory Reference: Section 12-12-25 NMSA 1978 (Emergency Management Act).

Organizational Status: Unspecified

Policy or Advisory? Policy

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: No direct appropriation; required per diem and mileage paid by employing agency.

Membership: Training officers of the responsible state agencies.

Powers And Duties: Section 12-12-25 NMSA 1978: at the direction of the state emergency response commission, establish curriculum of accident-response training for the personnel of each responsible state agency; certify persons who have completed the curriculum; meet at least every four months to review training needs and formulate a plan to meet those needs; conduct an annual comprehensive training course; prepare and submit to the state emergency response commission a budget for statewide training needs; and cooperate with and assist the task force as requested.

Duplication, Similarity or Connection with Other Agencies: There are several state entities that deal with emergency response.

Can Existing Agency Perform Function? No; board composed of responsible state agencies.

Category: Environment and Natural Resources
Interstate Natural Gas Markets Technical Advisory Committee, Office of

Statutory Reference: Section 70-11-5 NMSA 1978.

Organizational Status: Unspecified

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: No

Membership: Four members as follows: the secretary of energy, minerals and natural resources or the secretary's designee; the director of natural gas programs or the director's designee; the commissioner of public lands or the commissioner's designee; and the director of the oil conservation division or the director's designee, who is a nonvoting member.

Powers and Duties: Section 70-11-5 NMSA 1978: review and make recommendations to the director on how the office should perform its duties.

Duplication, Similarity or Connection with Other Agencies: The energy, minerals and natural resources department.

Category: Environment and Natural Resources
Interstate Stream Commission

Statutory Reference: Section 72-14-1 NMSA 1978.

Organizational Status: Independent of the state engineer, though the budget is contained in the state engineer budget.

Policy or Advisory? Policy

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: General appropriation act.

Membership: Nine members, including the state engineer and eight appointed by the governor for six-year terms. Appointed members represent major irrigation districts or sections; no two members may be appointed from the same irrigation district. At least one member of a New Mexico Indian tribe or pueblo shall be appointed to commission by the governor. The state engineer serves as secretary.

Other: The commission has the power of eminent domain and the power to issue revenue bonds.

Powers and Duties: Section 72-14-3 NMSA 1978: negotiate compacts to settle interstate controversies or ensure the equitable distribution of water in interstate stream systems; match federal appropriations; investigate the water supply; develop, conserve and protect waters and stream systems, interstate or otherwise; institute legal proceedings; carry out provisions of Chapter 72, Article 14 NMSA 1978; and employ personnel.

Other powers specified in Chapter 72, Article 14 NMSA 1978: construct irrigation works; purchase, exchange, lease and condemn property; develop, construct, operate and maintain infrastructure for the delivery of water; issue revenue bonds; make loans from the irrigation works construction fund; appropriate ground water; purchase water rights; and make grants or loans for regional water planning.

Section 72-14-3.1 NMSA 1978: the commission, in collaboration with the office of the state engineer and the water trust board, is to prepare and implement a comprehensive state water plan.

Section 75-2-4 NMSA 1978 (Water Research, Conservation and Development Act): review and approve or deny water research, conservation or development project proposals; adopt guidelines for project preparation, review, application and approval; allocate money for water research, conservation or development projects; administer the water research, conservation and development fund; and accept federal and private matching funds or grants.

Section 75-3-2 NMSA 1978 (Weather Control Act): replaces the weather control and cloud modification commission in carrying out the act.

Duplication, Similarity or Connection with Other Agencies: There is similarity and connection with the state engineer, but not duplication.

Category: Environment and Natural Resources
Mining Commission

Statutory Reference: Section 69-36-6 NMSA 1978 (New Mexico Mining Act).

Organizational Status: Unspecified

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Funding: No direct appropriation; per diem and mileage not statutory.

Membership: Seven voting members as follows: the director of the bureau of mines and mineral resources; the secretary of environment; the state engineer; the commissioner of public lands; the director of the department of game and fish; and two public members and their alternates appointed by the governor with the advice and consent of the senate. Public members are chosen to represent and to balance environmental and mining interests while minimizing conflicts of interest; no more than one public member and one alternate may belong to the same political party. Public members serve four-year terms. An alternate votes only in the absence of a public member for whom the alternate is substitute. The chair of the soil and water conservation commission and the director of the agricultural experiment station are nonvoting members. The commission meets at the call of the chair or a majority of members. There are financial limits to serving on the commission, and members must file a disclosure statement with the secretary of state. Members must recuse themselves on decisions affecting their financial interest.

Powers and Duties: Section 69-36-7 NMSA 1978: adopt rules to implement the act, including specific areas provided for in the section.

Section 69-36-15 NMSA 1978: review decisions of the director.

Section 69-36-17 NMSA 1978: assess civil penalties; and hear appeals of penalties assessed by the director.

Duplication, Similarity or Connection with Other Agencies: Statute includes the New Mexico Mining Act advisory committee, which is currently defunct.

Category: Environment and Natural Resources
Mining Safety Board

Statutory Reference: Section 69-8-3 NMSA 1978 (Mining Safety Act).

Organizational Status: Advisory to the state mine inspector at the New Mexico institute of mining and technology.

Policy or Advisory? Policy

Rulemaking Authority? The board proposes rules for adoption by the state mine inspector.

Federal Mandate? No

Senate Confirmation? No

Funding: Indirect through institute; statutory per diem and mileage for nonstate members.

Membership: Thirteen members appointed by the governor for six-year terms who represent and balance management and nonmanagement employees at coal, metal-nonmetal and sand and gravel operations throughout New Mexico. Vacancies are filled by appointment for the unexpired term by the governor in the same manner as the original appointments. Members absent for three or more consecutive meetings are considered inactive. The chairperson shall ask the governor's office to appoint a new member to the board if a current member becomes inactive. The state mine inspector and the secretary of energy, minerals and natural resources are ex-officio members of the board but shall have no vote.

Powers and Duties: Section 69-8-4 NMSA 1978: formulate and propose, after public hearing, general rules and reasonable safety and health standards for prevention of accidents and occupational diseases in every mine operated in the state; and may appoint special committees of employers, employees and experts to assist in the development of rules. One set of standards and rules shall be adopted for the coal mining industry and one set for the non-coal mining industry.

Section 69-8-4.1 NMSA 1978: review actions of the state mine inspector under Sections 69-14-4 and 69-8-9.1 NMSA 1978.

Duplication, Similarity or Connection with Other Agencies: The bureau of mines and mineral resources at the New Mexico institute of mining and technology.

Category: Environment and Natural Resources
Natural Lands Protection Committee

Statutory Reference: Section 75-5-4 NMSA 1978 (Natural Lands Protection Act).

Organizational Status: Unspecified

Policy or Advisory? Policy

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: No direct appropriation; per diem and mileage not statutory.

Membership: The secretary of energy, minerals and natural resources, who serves as chair; the director of the department of game and fish; the commissioner of public lands; the director of the department of agriculture; and three public members appointed by the governor, one of whom represents ranching and farming.

Powers and Duties: Section 75-5-4 NMSA 1978: recommend lands to be acquired under the provisions of the act and pay the state's share of acquisition.

Section 75-10-6 NMSA 1978: receive applications for conservation projects pursuant to the Natural Heritage Conservation Act.

Duplication, Similarity or Connection with Other Agencies: The energy, minerals and natural resources department.

Category: Environment and Natural Resources
Oil Conservation Commission

Statutory Reference: Section 70-2-4 NMSA 1978 (Oil and Gas Act).

Organizational Status: Unspecified

Policy or Advisory? Policy; has concurrent jurisdiction and authority with the oil conservation division. The director of the oil conservation division determines whether commission should hold a hearing on a matter.

Rulemaking Authority? Unspecified

Federal Mandate? No

Senate Confirmation? No

Funding: No; statute states "no salary or compensation", but is silent on per diem and mileage. If designees are state employees, presumably agency would pay per diem and mileage if necessary.

Membership: The director of the oil conservation division and designees of the commissioner of public lands and the secretary of energy, minerals and natural resources department. Designees must have expertise in the regulation of petroleum production. Terms are coextensive with office of the holder or, presumably, the appointer.

Other: The commission has subpoena power.

Powers and Duties: Section 70-2-6 NMSA 1978: concurrent jurisdiction over matters under the act.

Section 70-2-8 NMSA 1978: subpoena power.

Section 70-2-11 NMSA 1978: power to prevent waste and protect correlative rights.

Section 70-2-13 NMSA 1978: review decisions of examiners de novo.

Section 70-2-25 NMSA 1978: hold hearings on commission orders or decisions.

Section 70-2-34 NMSA 1978: power to prevent waste of carbon dioxide, helium and other non-hydrocarbon gases.

Section 70-6-6 NMSA 1978: rules pertaining to oil and gas are applicable to underground storage of natural gas.

Chapter 71, Article 5 NMSA 1978: carry out concurrent duties with the division pursuant to the Geothermal Resources Conservation Act, including subpoena power.

Duplication, Similarity or Connection with Other Agencies: The oil conservation division.

Category: Environment and Natural Resources
Parks Advisory Board, State

Statutory Reference: Section 16-2-2 NMSA 1978.

Organizational Status: Advisory to the state parks division of the energy, minerals and natural resources department.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: No direct appropriation; per diem and mileage not statutory.

Membership: Seven to 11 members appointed by the governor. The board meets quarterly or at the call of the chair. The board elects the chair and the vice chair annually. The division director serves as executive secretary.

Powers and Duties: Section 16-2-2 NMSA 1978: advise and make recommendations relating to the administration of the division and advise on all matters of policy, rules, the formulation of a comprehensive statewide recreation plan and other matters at the request of the director.

Duplication, Similarity or Connection with Other Agencies: The state parks division.

Category: Environment and Natural Resources
Radiation Technical Advisory Council

Statutory Reference: Section 74-3-2 NMSA 1978 (Radiation Protection Act).

Organizational Status: Advisory to environmental improvement board and department of environment.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: No direct appropriation; per diem and mileage not statutory.

Membership: Seven members appointed by the governor, after consultation with the secretary of environment for staggered five-year terms. Members must be persons with scientific training in diagnostic radiology, radiation therapy, nuclear medicine, radiation or health physics or related sciences with specialization in radiation. In addition to regular members, the council consists of four additional members who sit as full council members on matters related to the Medical Imaging and Radiation Therapy Health and Safety Act; those members are radiologic technologists appointed by the governor for staggered five-year terms; appointments are from lists provided by a radiologic technologist organization in the state.

Powers and Duties: Section 74-3-3 NMSA 1978: advise the department and the board on technical matters relating to radiation.

Section 61-14E-5 NMSA 1978: advise and make recommendations to the environmental improvement board regarding the Medical Imaging and Radiation Therapy Health and Safety Act.

Duplication, Similarity or Connection with Other Agencies: The department of environment; the environmental improvement board.

Category: Environment and Natural Resources

Radioactive Waste Consultation Task Force

Statutory Reference: Section 74-4A-6 NMSA 1978 (Radioactive and Hazardous Materials Act).

Organizational Status: Unspecified

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? Yes, in that congress allowed New Mexico to negotiate certain issues related to the waste isolation pilot project (WIPP) and the state decided on this approach.

Senate Confirmation? No

Funding: Federal funds.

Membership: The secretaries of energy, minerals and natural resources, taxation and revenue, health and environment [sic; both secretaries serve], public safety and transportation. The chair and vice chair of the legislative committee are advisory members.

Other: Costs are paid by federal grant.

Powers and Duties: Section 74-4A-7 NMSA 1978: negotiate for the state with the federal government in all areas related to siting, licensing and operation of waste facilities; recommend legislation to implement state policies; identify impacts of facilities and disseminate that information; coordinate the investigations and studies; and meet regularly with the legislative committee.

Section 74-4A-8 NMSA 1978: make procedural rules; solicit and accept grants; make contracts; appoint a representative on any federal or state-federal task forces or work groups; and perform other acts necessary and proper.

Duplication, Similarity or Connection with Other Agencies: None noted.

Can Existing Agency Perform Function? Current structure has been recognized by congress.

Category: Environment and Natural Resources

Soil and Water Conservation Commission

Statutory Reference: Section 73-20-28 NMSA 1978 (Soil and Water Conservation District Act).

Organizational Status: Unspecified

Policy or Advisory? Advisory to the department of agriculture and the New Mexico state university board of regents.

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Funding: Indirect in the general appropriation act; statutory per diem and mileage.

Membership: Seven appointed and five ex-officio members. The seven members are selected by and serve at the pleasure of the governor. The six appointed members are district supervisors selected and appointed from a panel of three candidates from each region, compiled by the districts of each region and presented by the president of the state association of soil and water conservation districts; one appointed member is selected at large as a person interested and active in the conservation or development of natural resources in the state. Ex-officio members are the following or their designees: the governor, the associate director of the state cooperative extension service, the associate director of the state agricultural experiment station, the state conservationist of the United States department of agriculture and the president of the state association of conservation districts.

Other: Section 73-20-29 NMSA 1978 specifies that a quorum consists of a majority of appointed members; Attorney General Opinion 60-13 determined that quorums should include ex-officio members. The chair serves at the pleasure of the commission.

Powers and Duties: Section 73-20-31 NMSA 1978: advise the department of agriculture and the board of regents of New Mexico state university concerning any matter that, in its opinion, has a significant impact on or otherwise substantially affects soil and water conservation; and promulgate regulations to carry out the act.

Section 73-20-32 NMSA 1978: approve the creation of six soil and water conservation regions and assign current districts to one of the six geographical regions. Division and assignment may be amended from time to time with the consent of the commission.

Other sections of the act specify how the commission aids in the approval of districts and oversees elections.

Duplication, Similarity or Connection with Other Agencies: The department of agriculture, energy, minerals and natural resources department (where the soil and water conservation division and the commission used to reside).

Category: Environment and Natural Resources
State Land Trusts Advisory Board

Statutory Reference: Section 19-1-1.1 NMSA 1978.

Organizational Status: Advisory to the commissioner of public lands.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? Yes

Funding: State lands maintenance fund; statutory per diem and mileage.

Membership: Seven members appointed by the commissioner with the advice and consent of the senate for staggered six-year terms. Members should represent geographical balance and are selected as follows: two members represent beneficiaries; one member represents extractive industries; one member represents agricultural industries; one member represents conservation interests; and two members represent the public at large. No more than four members shall belong to the same political party. At least one meeting a year shall be held jointly with the administrative heads of the beneficiaries, at which meeting the commissioner discusses plans, goals, objectives, budget, revenue projections, asset management issues and other pertinent information.

Other: The board is not paid from the state general fund.

Section 19-1-1.2 NMSA 1978: members removed only due to incompetence, neglect of duty or malfeasance. The state supreme court has exclusive jurisdiction over removal.

Powers And Duties: Section 19-1-1.4 NMSA 1978: provide continuity for resource management; help commissioner understand and maintain the highest standards for maximizing income from trust assets and protect and maintain assets and resources of trust; and review policies and practices of the commissioner and advise on how they affect standards.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: Environment and Natural Resources
Storage Tank Committee

Statutory Reference: Section 74-6B-4 NMSA 1978 (Ground Water Protection Act).

Organizational Status: Advisory to the department of environment.

Policy or Advisory? Advisory

Rulemaking Authority? Limited to conduct of the committee.

Federal Mandate? No

Senate Confirmation? No

Funding: Storage tank fund; statutory per diem and mileage.

Membership: The secretary of environment and six members appointed by and serving at the pleasure of the governor and representing the following: fire protection districts; elected local government officials; wholesalers of motor fuels; independent retailers of motor fuels; individuals knowledgeable about corrective actions in connection with leaking underground storage tanks; and private citizens or interest groups. Terms are three years, staggered.

Powers and Duties: Section 74-6B-4 NMSA 1978: recommend proposed rules to the environmental improvement board or secretary; establish procedures, practices and policies governing its activities; review all proposed corrective action plans; and review proposed payments from the corrective action fund.

Duplication, Similarity or Connection with Other Agencies: The department of environment and the environmental improvement board.

Category: Environment and Natural Resources
Tree Planting Advisory Committee

Statutory Reference: Section 68-2-33 NMSA 1978 (New Mexico Forest Re-Leaf Act).

Organizational Status: Unspecified

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: No direct appropriation; per diem and mileage not statutory.

Membership: The state forester appoints the committee, including one member from the soil and water conservation commission, one member from the state association of soil and water conservation districts, two members from nonprofit environmental organizations dedicated primarily to protecting the environment and two members from the New Mexico association of nursery industries; other members may include representatives from the public education department, state universities, the commission on higher education, the local government division and other persons the state forester determines will assist the committee in performing its functions.

Powers and Duties: Section 68-2-33 NMSA 1978: meet at least twice a year to review the division's tree-planting programs; seek public input on division programs; and make recommendations to the division and the state forester on how best to achieve the purposes of the act and of the conservation planting revolving fund.

Duplication, Similarity or Connection with Other Agencies: The forestry division of the energy, minerals and natural resources department.

Category: Environment and Natural Resources
Wastewater Technical Advisory Committee

Statutory Reference: Section 9-7A-15 NMSA 1978 (Department of Environment Act).

Organizational Status: Advisory to the department of environment.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: No direct appropriation; statutory per diem and mileage.

Membership: Five members appointed by and serving at the pleasure of the secretary of environment. Terms are three years. Members are one wastewater treatment system engineer with at least 10 years experience in wastewater system design and construction; a faculty member from a New Mexico university or college with a minimum of a master's degree in biological science, microbiology, soil science or engineering, and a minimum of 10 years of work or academic experience with wastewater treatment or wastewater treatment facility management; a representative from the New Mexico state university water utilities technical assistance program; a class 4 certified wastewater operator with at least 10 years' experience; and a representative of the New Mexico home builders association.

Other: Department provides technical and legal assistance to the committee.

Powers and Duties: Section 9-7A-15 NMSA 1978: provide standardized objective evaluation of wastewater treatment and disposal technologies for both large- and small-flow domestic, commercial and agricultural wastewater systems for approval by the secretary of environment and maintain a current list of approved wastewater technologies accessible by the public on the department's internet site.

Duplication, Similarity or Connection with Other Agencies: Environmental improvement board, universities, United States environmental protection agency.

Category: Environment and Natural Resources
Water Quality Control Commission

Statutory Reference: Section 74-6-3 NMSA 1978 (Water Quality Act).

Organizational Status: Administratively attached to the department of environment. Section 74-6A-15 NMSA 1978 (Wastewater Facility Construction Loan Act) specifies that the commission is an instrumentality of the state.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? The commission is the state water pollution control agency for New Mexico for all purposes of the federal act and of the wellhead protection and sole source aquifer programs of the federal Safe Drinking Water Act.

Senate Confirmation? No

Funding: General appropriation act; per diem and mileage for public members from budgeted funds of the department of environment.

Membership: The secretary of environment; secretary of health; director of department of game and fish; state engineer; chair of oil conservation commission; director of state parks division; director of department of agriculture; chair of soil and water conservation commission; director of the bureau of mines and mineral resources; a municipal or county government representative; and three public members appointed by the governor for four-year terms. The state members may designate members of their staffs to serve. At least one of the gubernatorial appointments must be a member of a New Mexico tribe or pueblo. Members may not receive a significant portion of their incomes from permit holders or applicants and must file disclosure statements with the secretary of state.

Other: Section 9-7A-13 NMSA 1978 provides exemption from authority of secretary.

In exercise of its power or duties, the commission shall act with independent legal advice.

The commission is one of the few policymaking commissions for state agencies that has a sunset provision.

Powers and Duties: Section 74-6-4 NMSA 1978: accept and supervise administration of loans and grants; adopt comprehensive water quality management program and develop continuing planning process; adopt water quality standards for surface and ground waters subject to the act as long as all rules conform with the rulemaking authority found in the act; adopt rules to prevent or abate water pollution, and adopt rules regarding other issues, including new sewer systems,

water contaminants and pre-treatment standards; assign responsibility for administering its regulations to constituent agencies; enter into agreements; grant individual variances from rules; coordinate application procedures and funding cycles; specify in rule the measures to be taken to prevent water pollution and monitor water quality; adopt rules for particular industries, including the dairy and copper industries; and not require permit for water in irrigated agriculture or use of less than 250 gallons per day of private residential gray water.

Section 74-6-5 NMSA 1978: regulate the issuance of discharge permits by constituent agencies in compliance with federal law and the Water Quality Act and review permitting decisions.

Section 74-6A-9 NMSA 1978: administer the Wastewater Facility Construction Loan Act.

Other: Section 61-33-4 NMSA 1978: adopt rules pursuant to the Utility Operators Certification Act.

Duplication, Similarity or Connection with Other Agencies: The department of environment, other constituent agencies.

Category: Environment and Natural Resources
Water Trust Board

Statutory Reference: Section 72-4A-4 NMSA 1978 (Water Project Finance Act).

Organizational Status: Unspecified; the New Mexico finance authority provides staff support.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes

Funding: Unspecified; statutory per diem and mileage.

Membership: Sixteen members as follows: the state engineer or designee; the executive director of the New Mexico finance authority or designee; the secretary of finance and administration or designee; the secretary of environment or designee; the secretary of energy, minerals and natural resources or designee; the director of the department of game and fish or designee; the director of the department of agriculture or designee; the executive director of the municipal league or designee; the executive director of the association of counties or designee; one public member appointed by the commission on Indian affairs [Indian affairs department]; the president of the Navajo Nation or designee; and five public members appointed by the governor and confirmed by the senate, each of whom represents one of the following: (1) the environmental community; (2) an irrigation or conservancy district that uses surface water; (3) an irrigation or conservancy district that uses ground water; (4) acequia water users; and (5) soil and water conservation districts. Terms of public members appointed by the governor shall be for staggered four-year terms. The chair is elected by the board.

Other: Public members are appointed public officials while carrying out their duties and activities.

Powers and Duties: Section 72-4A-5 NMSA 1978: adopt rules governing terms and conditions of grants or loans recommended by it for appropriation by the legislature; authorize qualifying water projects to the authority and create a drought strike team to coordinate responses to emergency water shortages.

Section 72-4A-5.1 NMSA 1978: implement the state water plan.

Duplication, Similarity or Connection with Other Agencies: The department of environment; interstate stream commission; state engineer; department of agriculture; community development council; soil and water conservation districts and other water-related special districts; and the New Mexico finance authority.

Category: Environment and Natural Resources
Youth Conservation Corps Commission, New Mexico

Statutory Reference: Section 9-5B-5 NMSA 1978 (New Mexico Youth Conservation Corps Act).

Organizational Status: Administratively attached to the energy, minerals and natural resources department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Funding: The New Mexico youth conservation corps fund; statutory per diem and mileage.

Membership: Nine members as follows: the secretary of public education; the commissioner of public lands; the secretary of energy, minerals and natural resources; the secretary of youth authority [children, youth and families department]; and five members of the general public appointed by the governor to reflect geographic diversity, one of whom is knowledgeable about current policies of the United States forest service and one of whom is Native American. Terms are three years staggered, but public members serve at the pleasure of the governor. Nonpublic members may appoint designees. The commission elects the chair. Vacancies must be filled within 60 days.

Other: The corps is funded through the governmental gross receipts tax.

Section 9-5B-10 NMSA 1978: The youth conservation corps fund is appropriated to the commission.

Powers and Duties: Section 9-5B-6 NMSA 1978: accept gifts, grants and donations; request assistance and staff support from the department; employ personnel; delegate responsibility for administration and implementation of projects and other program matters; establish work camps and residential facilities; contact potential sponsors and funding sources; adopt rules to carry out the act; administer and enforce the act; develop and approve corps projects, activities and contracts; establish standards, procedures and policies for personnel matters involving corps members and others; foster partnerships and cooperation between corps and schools; and hire a program manager.

Section 9-5B-7 NMSA 1978: sponsors apply to the commission for project approval.

Duplication, Similarity or Connection with Other Agencies: The energy, minerals and natural resources department administers the fund, though vouchers are signed by the commission chair.

Category: General Government

Alternative Dispute Prevention and Resolution Advisory Council

Statutory Reference: Section 12-8A-6 NMSA 1978 (Governmental Dispute Prevention and Resolution Act).

Organizational Status: Created within the risk management division of the general services department.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: Indirect through the division.

Membership: Nine voting members as follows: secretary of general services; secretary of finance and administration; director of the state personnel office; superintendent of regulation and licensing; the cabinet secretary or agency head of four other executive branch agencies to be appointed by the governor from among the 10 agencies with the highest occurrence of public liability claims per authorized number of staff, no more than two of whom are cabinet secretaries; and the director of the division, who serves as chair. An agency head may designate a representative to serve on the council. The council shall meet at least twice each year.

Powers and Duties: Section 12-8A-7 NMSA 1978: review information about the use of alternative dispute resolution, including referrals, and make recommendations to the office of alternative dispute prevention and resolution to improve the effectiveness of alternative dispute resolution programs; develop strategies to encourage and expand the use of public facilitation in government operations; recommend to the division appropriate training standards and schedules for neutral parties and agency managers and supervisors; review and recommend standards and rules to the division to foster participation in alternative dispute resolution and minimize conflict in the discussion of issues under consideration by interested parties; and present an annual report to the department, the governor and the legislature by December 1 of each year on the use, cost and success of alternative dispute resolution programs.

Duplication, Similarity or Connection with Other Agencies: Risk management division, office of alternative dispute prevention and resolution (bureau of the division).

Category: General Government

Architect, Engineer, Landscape Architect and Surveyor Selection Committee

Statutory Reference: Section 13-1-121 NMSA 1978 (Procurement Code).

Organizational Status: Unspecified; created by the property control division of the general services department for each capital project.

Policy or Advisory? Policy, in that the committee selects professionals for state public works contracts; selection committees change with projects.

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: Indirect through the department; statutory per diem and mileage.

Membership: Four members as follows: one member from the agency for which the project is being designed; the director of the property control division, who serves as chair; one member designated by the architect-engineer-landscape architect joint practices committee; and one member designated by the secretary of general services. The staff architect serves as staff to the selection committee.

Powers and Duties: Section 13-1-120 NMSA 1978: evaluate statements of qualifications and performance data submitted by at least three businesses; may conduct interviews and require public presentations; select, ranked in order of qualifications, no less than three businesses deemed most highly qualified; and consider criteria specified in section 13-1-121, not including price.

Section 13-1-121 NMSA 1978: selection committee for public works projects, except highways.

Duplication, Similarity or Connection with Other Agencies: Similar to selection committees required by rule of the department of transportation.

Category: General Government

Canvassing Board, State

Statutory Reference: Article 5, Section 2 of the constitution of New Mexico; Section 1-13-15 NMSA 1978 (Election Code).

Organizational Status: N/A

Policy or Advisory? N/A

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: No

Membership: The secretary of state, the governor and the chief justice.

Powers and Duties: Canvass and declare the results of an election.

Section 1-13-18 NMSA 1978: carefully examine all election returns and certificates issued by the county canvassing boards. If a discrepancy appears, the state canvassing board forwards such returns and certificates to the district court in which the precinct or county canvassing board is situated.

Duplication, Similarities or Connection with Other Agencies: N/A

Category: General Government

Capitol Buildings Planning Commission

Statutory Reference: Section 15-10-1 NMSA 1978.

Organizational Status: Intergovernmental agency.

Policy or Advisory? Policy

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: No

Membership: Eleven members: four members of the legislature, two from each house appointed by the legislative council, the secretary of general services or designee; the state treasurer or designee; the secretary of transportation or designee; the secretary of cultural affairs or designee; the secretary of finance and administration or designee; the chair of the supreme court building commission or designee; and the commissioner of public lands or designee. The legislative council service provides staff for the commission in coordination with the staff architect and other staff of the property control division of the general services department.

Powers and Duties: Section 15-10-1 NMSA 1978: study and plan for the long-range facilities needs of state government in Santa Fe, Albuquerque and Las Cruces and, after developing an initial master plan for the state facilities in those areas, conduct a review of state properties throughout the state for the development of an overall master plan; review proposed lease-purchase agreements pursuant to Section 15-10-2 NMSA 1978; work with the general services department and other state agencies in developing recommendations for addressing deferred maintenance on state facilities and disposal strategies for aging facilities no longer able to serve their mission; and, using life cycle costing, work with the general services department in developing recommendations regarding whether the state should lease, lease-purchase or purchase needed additional facilities. The commission shall meet regularly and shall report annually to the legislature on an annual update of the master plan for the long-range facilities needs of state government in the greater metropolitan areas of Las Cruces, Santa Fe and Albuquerque and throughout the state.

Duplication, Similarity or Connection with Other Agencies: Overlaps capital planning functions of the property control division of the general services department and the supreme court building commission.

Category: General Government

Civil Legal Services Commission

Statutory Reference: Section 34-14-1 NMSA 1978.

Organizational Status: Unspecified, but the local government division provides staff and meeting space and administers contracts and programs.

Policy or Advisory? Unspecified; presumably policy.

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Funding: Indirect through the department; statutory per diem and mileage.

Membership: Five members with experience with civil legal matters affecting low-income persons. The governor appoints two members; the supreme court appoints two members, both of whom must be attorneys; and the state bar appoints one member, who also must be an attorney. Terms are three years, staggered. The commission meets at the call of the chair, who is elected by the commission. The local government division provides staff and meeting space.

Powers and Duties: Section 34-14-1 NMSA 1978: solicit proposals in accordance with the Procurement Code for disbursements from the civil legal services fund; enter into contracts with nonprofit organizations for civil legal services for low-income New Mexico residents; adopt rules.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: General Government
Disabilities, Council for Purchasing from Persons with

Statutory Reference: 13-1C-4 NMSA 1978 (State Use Act).

Organizational Status: Unspecified

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Funding: No; per diem and mileage not allowed.

Membership: Nine members as follows: state purchasing agent or designee; two persons appointed by the governor who represent state agencies that purchase significant amounts of goods and services from the private sector, or their designees; one person appointed by the governor who is a state-employed vocational rehabilitation counselor and who is familiar with the employment needs of persons with disabilities and with current pricing and marketing of goods and services; and two persons with disabilities, one person familiar with the employment needs of persons with disabilities and current pricing and marketing of goods and services and two persons who represent community rehabilitation programs that provide employment services to persons with disabilities, all selected by mutual agreement of the other four members. Terms are three years. The council elects the chairperson. A special quorum of seven members is required by the law.

Powers and Duties: The council shall: adopt rules that (1) determine which services provided by persons with disabilities are suitable for sale to state agencies and local public bodies; (2) establish, maintain and publish a list of all services identified; (3) verify fair market prices; (4) establish a procedure to certify eligible community rehabilitation programs and qualified individuals; (5) establish a procedure for approval of a central nonprofit agency that holds contracts and facilitates equitable distribution of orders for services to be procured by state agencies and local public bodies; (6) establish procedures for the operation of the approved central nonprofit agency, including fee structure for its services; (7) address other necessary matters; and (8) ensure that the work provides opportunities for integration with nondisabled persons and fair pay and that it adds value to the service provided. Not later than 180 days following the close of each fiscal year, the council shall submit a report to the governor, the legislature and each community rehabilitation program that includes the names of the council members serving during the preceding fiscal year, the dates of council meetings during that year and any recommendations for changes to the State Use Act.

Duplication, Similarity or Connection with Other Agencies: N/A

Category: General Government

Educational Retirement Board

Statutory Reference: Section 22-11-3 NMSA 1978 (Educational Retirement Act).

Organizational Status: Adjunct

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Funding: General appropriation act; other state funds = educational retirement fund.

Membership: Seven members as follows: the secretary of public education; the state treasurer; one member elected for a four-year term by the association of educational retirees; one member elected for a four-year term by the New Mexico education association; one member elected for a four-year term by the New Mexico members of the American association of university professors; and two members appointed by the governor for four-year terms.

Other: This is not a direct general fund agency; however, employee retirement is funded with public money.

Powers and Duties: Section 22-11-6 NMSA 1978: operate the educational retirement association and carry out the provisions of the Educational Retirement Act.

Duplication, Similarity or Connection with Other Agencies: Provides the same services for educational retirees that the public employees retirement association does for public employee retirees.

Category: General Government

Finance, State Board of

Statutory Reference: Section 6-1-1 NMSA 1978.

Organizational Status: Established in connection with the board of finance division of the department of finance and administration.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes, for public members.

Funding: General appropriation act; statutory per diem and mileage in division budget.

Membership: Seven members as follows: governor; lieutenant governor; state treasurer; and four members appointed by the governor with the advice and consent of the senate, who serve two-year terms and no more than two of whom can be from the same political party. The governor serves as president.

Powers and Duties: Section 6-1-1 NMSA 1978: generally supervise the state's fiscal affairs and safekeeping and depositing of all money and securities belonging to or in custody of the state; may make rules to carry out this section and various public money sections of law; may request the financial institutions division of the regulation and licensing department to make special examinations of state banks, trust companies and savings and loans; make investigations; and approve the secretary's appointment of the board of finance division director.

Section 6-1-2 NMSA 1978: may lend or grant emergency money to any state agency, board, commission, municipal corporation or other political subdivision.

Section 6-1-3 NMSA 1978: may prescribe any loan terms and conditions it deems proper.

Section 6-1-7 NMSA 1978: adopt standards for stationery, office supplies and other equipment, and direct the transfer, temporarily or otherwise, of all unused stationery, office supplies and equipment from one agency to another.

Section 6-4-2.3 NMSA 1978: approve the governor's transfer of the general fund operating reserve.

Section 6-10-30 NMSA 1978: set interest rates on time deposits of public money.

Section 6-10-35 NMSA 1978: designate and monitor a bank or savings and loan association as fiscal agent; designate state checking depositories.

Section 6-17-3 NMSA 1978: approve income-producing project bonds and purchase-mortgage security instruments issued by boards of regents.

Section 6-20-11 NMSA 1978: administrative duties pertaining to the Private Activity Bond Act.

Section 7-27-10 NMSA 1978: authorized to issue and sell severance tax bonds and supplemental severance tax bonds.

Section 7-27-12.2 NMSA 1978: may issue and sell supplemental severance tax bonds in compliance with the Severance Tax Bonding Act when the public school capital outlay council certifies by resolution the need for such bonds.

Section 1-9-8 NMSA 1978: may approve lease-purchase contracts to counties to purchase voting systems.

Section 13-6-2.1 NMSA 1978: approve sale, trade or lease of real property over \$25,000.

Section 33-1A-5 NMSA 1978: approve lease of low-rent housing units constructed for correctional officers.

Section 41-5-25 NMSA 1978: approve investment of the patient's compensation fund.

Section 74-6A-10 NMSA 1978: issue bonds pursuant to the Wastewater Facility Construction Loan Act.

Duplication, Similarity or Connection with Other Agencies: Connected with the board of finance division; similarities with the state investment office and the state treasurer.

Category: General Government

Gaming Control Board

Statutory Reference: Section 60-2E-5 NMSA 1978 (Gaming Control Act).

Organizational Status: Adjunct

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes, for public members. Members receive background checks prior to confirmation.

Funding: General appropriation act; other state funds = gaming receipts. Statutory per diem and mileage.

Membership: Five members, all residents of New Mexico and citizens of the United States. The chair of the state racing commission serves ex-officio. Four members are appointed by the governor with the advice and consent of the senate:

- (1) one who has a minimum of five years of previous employment in a supervisory and administrative position in a law enforcement agency;
- (2) one who is a certified public accountant in New Mexico with at least five years' experience in public accountancy;
- (3) one who is an attorney licensed in New Mexico; and
- (4) one who is a public member who has knowledge and experience in business management and financing.

Appointed members of the board serve terms of five years. No member may serve more than two consecutive terms or more than 10 years total. Law enforcement, CPA and attorney members serve full time and receive salaries. The governor selects the chair annually from among the full-time salaried members.

Other: Board has subpoena power.

Powers and Duties: Section 60-2E-7 NMSA 1978: implement the state's policy on gaming consistent with the provisions of the Gaming Control Act and the New Mexico Bingo and Raffle Act and all responsibilities assigned to it pursuant to those acts, and have all the authority necessary to carry out those responsibilities. It may delegate authority to the executive director, but the board retains accountability. Monitors all activity authorized in Indian gaming compacts. Conducts background investigations pursuant to the Horse Racing Act. May issue subpoenas, impose civil fines, seize and impound property and grant testimonial immunity.

Section 60-2F-6 NMSA 1978: powers necessary to implement the New Mexico Bingo and Raffle Act.

Duplication, Similarity or Connection with Other Agencies: The lottery authority, an instrumentality of the state, regulates lottery activity.

Category: General Government

Governor's Residence Advisory Commission

Statutory Reference: Section 15-3A-1 NMSA 1978.

Organizational Status: Administratively attached to the general services department.

Policy or Advisory? Unspecified

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: Indirect through the department; statutory per diem and mileage.

Membership: Five members as follows: the governor or the governor's designee; the secretary of general services or the secretary's designee; and three members appointed by the governor from a list of names submitted by the governor's mansion foundation. Terms are four years. The commission elects the chair.

Powers and Duties: Section 15-3A-2 NMSA 1978: plan, assemble, dispose and acquire furnishings, art, landscaping materials and plants and other decorations for public areas of the governor's residence; monitor and report on maintenance needs to the general services department and the legislature; conduct detailed inventory and assessment at the beginning of each term and annually; develop statewide interest in the residence and enhance the governor's ability to provide appropriate hospitality; use assistance of individuals, the general services department, other state agencies and nonprofit corporations to carry out its duties; accept gifts, donations and bequests; and enter into public promotions and publish material it deems appropriate.

Duplication, Similarity or Connection with Other Agencies: The property control division of the general services department.

Category: General Government

Group Benefits Committee

Statutory Reference: Section 10-7B-3 NMSA 1978 (Group Benefits Act).

Organizational Status: Advisory to the risk management division of the general services department.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: No

Membership: Nine members as follows: one employee from each of the two largest state agencies, excluding state institutions of higher education, appointed by their secretaries; superintendent of insurance; director of the state personnel office; executive secretary of the public employees retirement association; the chief financial officer of a state agency or institution, appointed by the governor; one employee of a local public body participating in the state group plan, appointed by the governor; and two public employees of state agencies other than those already represented on the committee, appointed by the governor. Appointed members serve four-year terms. The position of an appointed member becomes vacant upon failure to attend three consecutive meetings.

Powers and Duties: Section 10-7B-4 NMSA 1978: review and advise the director of risk management on all group benefits coverages included or to be included in the state group plan, on all professional, technical or consulting contracts, as to companies and agents to be selected to submit proposals, on rules relating to group benefits insurance and self-insurance and on guidelines establishing rates for and methods of rating participating state agencies and local public bodies; perform other duties and exercise other powers provided by law; and review matters specified in this section, which review by the committee preempts review of matters previously accorded to the risk management advisory board.

Section 10-7B-5 NMSA 1978: approve the director's apportionment of costs of benefits administration and other costs to participating entities and their employees.

Duplication, Similarity or Connection with Other Agencies: The risk management division.

Category: General Government

Indian Affairs Commission

Statutory Reference: Section 9-21-13 NMSA 1978 (Indian Affairs Department Act).

Organizational Status: Advisory to the Indian affairs department.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: Indirect through the department's appropriation; statutory per diem and mileage for members.

Membership: Ten members, all New Mexico residents, consisting of three Pueblo Indians, three Navajo Indians, two Apache Indians, one urban Indian and one non-Indian. Indian members, except the urban Indian member, shall be appointed from lists of names submitted by the all Indian pueblo council, the Jicarilla and Mescalero tribal councils and the Navajo Nation. Members serve at the pleasure of the governor. Vacancies shall be filled by appointment by the governor for the unexpired term. The governor shall appoint the chair and the commission may select such other officers as the commission deems necessary.

Powers and Duties: Section 9-21-14 NMSA 1978: conduct meetings to provide an opportunity for presentations that result in promotion of the welfare of the Indian people; receive and disseminate information on issues with a significant impact on the welfare of the Indian people; apprise the secretary of Indian affairs of conditions in Native American communities in New Mexico; and advise the secretary on policy matters related to the department's powers and duties.

Duplication, Similarity or Connection with Other Agencies: The Indian affairs department.

Category: General Government

Information Technology Commission

Statutory Reference: Section 9-27-9 NMSA 1978 (Department of Information Technology Act).

Organizational Status: Unspecified, presumably administratively attached; department serves as staff.

Policy or Advisory? Has approval power.

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: Indirect through the department's appropriation; statutory per diem and mileage for members who are not supported by public money.

Membership: Fifteen voting members consisting of four members appointed by the governor who are not from the higher education department or the public education department; one staff member with telecommunications regulatory experience appointed by the chair of the public regulation commission; two members representing education, one appointed by the secretary of higher education and one appointed by the secretary of public education; two members appointed by the governor to represent local government, one appointment to be selected by the governor from a list of three names provided by the New Mexico association of counties and one appointment to be selected by the governor from a list of three names provided by the New Mexico municipal league; two members appointed at large by the governor; two members appointed by the governor to represent local telecommunications service providers; and two members from the national laboratories appointed by the respective laboratory director. Additionally, the following nonvoting members may serve on the commission: two members from the judicial information systems council appointed by the chair of that council; one staff member from the legislative council service and one staff member from the legislative finance committee, appointed by their respective directors; and the secretary as chief information officer. The commission shall elect a chair and vice chair from the active voting membership of the commission for two-year terms.

No appointee or designee of the commission from a state agency shall be less than the deputy head of the agency. A registered lobbyist under the Lobbyist Regulation Act shall not serve on the commission while registered as a lobbyist or for one year after terminating work as a lobbyist in compliance with the termination requirements of the Lobbyist Regulation Act.

Other: The commission shall appoint a voting member to represent the commission on the department's committee or other body that certifies information technology projects.

Powers and Duties: Section 9-27-9 NMSA 1978: the commission shall meet at least quarterly to review and approve the development and implementation of the state information technology strategic plan; critical information technology initiatives for the state; identification of information technology needs of state agencies; strategies for identifying information technology projects that affect multiple agencies; the state information architecture and the state information technology strategic plan for updates and compliance by executive agencies; proposed rules by the secretary; and guidelines for mediation of disputes between an executive agency and the secretary as chief information officer.

Duplication, Similarity or Connection with Other Agencies: Department of information technology, information technology rate committee, information technology functions of individual executive departments and local governments.

Category: General Government

Information Technology Rate Committee

Statutory Reference: Section 9-27-7 NMSA 1978 (Department of Information Technology Act).

Organizational Status: Unspecified; internal to the executive branch.

Policy or Advisory? Unspecified; appears to be policy.

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: None; members are state employees for whom per diem and mileage would not be expected or whose agency would pay.

Membership: Seven members consisting of five members appointed by the governor from executive agencies that use information technology services and pay rates to an internal service fund; the secretary of finance and administration, who shall serve as chair of the committee; and the secretary of information technology.

Powers and Duties: Section 9-27-7 NMSA 1978: review the rate and fee schedule proposed by the secretary; ensure that the rate and fee schedule complies with the federal office of management and budget circular A-87 or its successor directive; consider for approval an equitable rate and fee schedule based on cost recovery for state agencies that use information technology services and pay rates to an internal service fund, with priority service to public safety agencies; present the committee's proposed rate and fee schedule by June 1 of each year to the office of the governor, the department of finance and administration and the legislative finance committee; and by July 15 of each year, implement a rate and fee schedule based on the committee's recommendations.

Other: A reduction in rates or fees by the department shall not require the committee's approval if the reduction is based on cost recovery and if the committee is notified timely.

Duplication, Similarity or Connection with Other Agencies: Information technology commission and the department.

Category: General Government

Investment Council, State

Statutory Reference: Section 6-8-2 NMSA 1978.

Organizational Status: Adjunct

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes, public members and higher education institution chief financial officers.

Funding: General appropriation act; statutory per diem and mileage for public members only.

Membership: The governor; the state treasurer; the commissioner of public lands; the secretary of finance and administration; two members appointed by the governor with the consent of the senate; the chief financial officer of a state institution of higher education appointed by the governor with the advice and consent of the senate; and four members appointed by the New Mexico legislative council with the advice and consent of senate, with no more than two members from the same political party. The governor is chair, and the vice chair is selected by council. All actions are by majority vote, and a majority of members constitutes a quorum. Public members serve staggered five-year terms. Public members must be qualified by competence and no less than 10 years' experience in the field of investment or finance. No member may have had any contracts to do business with the state investment council or investment office, the state treasurer, the educational retirement board, the public employees retirement association, the New Mexico finance authority or the state board of finance for a period of two calendar years prior to the person's appointment to the council and shall not enter into contracts to do business with any of the named agencies or instrumentalities for a period of two calendar years after the end of the term for which the member was appointed. The higher education appointee serves at the pleasure of the governor. The public members may be removed by the appointing authority for failure to attend three consecutive meetings or other cause, in the manner provided for removal of boards of regents. Vacancies are filled in the same manner as the original appointment.

Other: Members of the council and its officers and employees are governed by the Governmental Conduct Act; provided that neither the investment office statutes or the Governmental Conduct Act may be construed as prohibiting an officer of a financial institution from participating as a member of the council in setting general policies of the council or prohibiting the council or the state treasurer from depositing funds in any financial institution.

Powers and Duties: Section 6-8-4 NMSA 1978: appoint the state investment officer (SIO) and determine the officer's salary, not less than \$50,000.

Section 6-8-5 NMSA 1978: review the annual budget of the investment office.

Section 6-8-7 NMSA 1978: adopt policymaking rules and resolutions; authorize purchases, sales, exchanges, investments and reinvestments of the assets of all funds in accordance with the Uniform Prudent Investor Act; with SIO, be trustees of all funds under their control and see that money is at all times handled in the best interests of the state. Council may delegate administrative functions to SIO. Council approves investment rules and resolutions pertaining to the kind or nature of investments and limitations, conditions and restrictions on the methods, practices or procedures for investment, reinvestment, purchase, sale or exchange transactions that govern the activities of the investment office. Council meets at least once a month, and as often as exigencies may demand, to consult with SIO and has access to all files and records of office and requires SIO to report on and provide information necessary to the performance of council functions. Council may hire one or more investment management firms to advise it regarding the council's overall investment plan. Council must provide opportunity for public comment at its meetings. Council, SIO, staff and any other person providing investment advice for fee or other compensation and all persons exercising discretionary authority or control of funds under management of council are fiduciaries. Council selects and contracts for custodian banks; may contract with any other state agency to provide investment advisory or management services separately or through pooled investment fund; and has authority to enter into joint powers agreements with other state agencies.

Section 6-8-14 NMSA 1978: appoint members to the private equity investment advisory committee (see committee in this section of *Inventory*)

Section 7-27-5.15 NMSA 1978: allow investments in New Mexico private equity funds and New Mexico businesses.

Section 7-27-5.26 NMSA 1978: approve investment in New Mexico film private equity funds or in a New Mexico film project.

Duplication, Similarity or Connection with Other Agencies: Investment duties are similar to the state treasurer. There may be other similarities with the state board of finance and the state treasurer.

Category: General Government

Land Grant Council

Statutory Reference: Section 49-11-3 NMSA 1978 (Land Grant Support Act).

Organizational Status: Administratively attached to the department of finance and administration.

Policy or Advisory? N/A

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: If funded, general appropriation act, though funding may be indirect through the department of finance and administration; statutory per diem and mileage.

Membership: Five members, appointed by the governor from the boards of directors of land grants for staggered terms of four years, with two members of the initial council selected by lot to serve an initial term of two years. The council shall appoint a chair and may appoint such other officers as it deems necessary. The council meets at least quarterly, and meetings are called by the chair or at the request of at least three members of the council.

Powers and Duties: Section 49-11-3 NMSA 1978: may hire staff and contract for services to carry out the purposes of the Land Grant Support Act.

Section 49-11-4 NMSA 1978: the council, through its staff or contract agents, may apply for and accept grants, gifts or donations; assist land grants in all areas of land grant fiscal and programmatic management, including planning, economic development and infrastructure development; establish cooperative purchasing capabilities for land grants; perform special studies and undertake surveys of interest to land grants and report the findings; serve as fiscal agent and administrator for federal and state grants-in-aid and other funding for a land grant when necessary; facilitate or enter into agreements with state and federal agencies on behalf of land grants; enter into contracts to carry out the purposes of the act; and provide other assistance to land grants. The council, through its staff or contract agents, shall facilitate the exchange of experience and advice among land grants; serve as a liaison between land grants and federal, state and local agencies; promote cooperation between land grants and, by consultation and advice, assist in the coordination of land grant programs; provide board development opportunities and technical assistance to the governing boards of land grants; provide short- and long-range planning assistance to land grants; conduct training sessions for land grants on topics of interest, such as: local, state and national zoning trends and concerns and other land-use issues; state requirements for political subdivisions on such topics as open meetings, public

records, procurement, risk management, tort claims and financial accountability; techniques of historical research; grant writing; economic development strategies; and rangeland management and water conservation. The council shall disseminate information to relevant federal, state and local agencies on land grant issues and activities and, when requested, on the status of individual land grants; develop and promote federal legislation for an appropriate congressional response to long-standing community land grant claims in New Mexico; and review state and federal policies, plans and legislation affecting land grants in New Mexico.

Section 49-11-5 NMSA 1978: report to the governor and the legislature by December 1 of each year on the state of land grants in New Mexico and the activities of the council for that year.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: General Government

Main Street Revolving Loan Committee

Statutory Reference: Section 3-60C-4 NMSA 1978 (Main Street Revolving Loan Act).

Organizational Status: Unspecified

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No, but federal funding is available.

Senate Confirmation? No

Funding: Unspecified; statutory per diem and mileage for public members.

Membership: Six members as follows: director of the historic preservation division or designee; coordinator of the main street program or designee; chair of the cultural properties review committee or designee; director of local government division or designee; a member appointed by the governor with expertise in small loans; and chair of the board of directors of friends of New Mexico mainstreet, inc., or designee. Committee elects its chair and other officers and meets at call of the chair at least four times per year.

Powers and Duties: Section 3-60C-4 NMSA 1978: by rule, establish eligibility criteria for properties and owners, establish procedures to govern the application outreach and marketing of the loan program and promulgate such other rules as are necessary to carry out the provisions of the Main Street Revolving Loan Act; after considering the recommendations of the division, make awards of loans or loan subsidies; and approve expenditures by the division for marketing, managing and administering the loan program.

Section 3-60C-6 NMSA 1978: adopt a procedure for the priority ranking of applications and projects, both eligible and ineligible for federal funding assistance, for which loan or loan subsidy applications have been received by the division and review its procedure annually.

Duplication, Similarity or Connection with Other Agencies: Historic preservation division.

Category: General Government

Personnel Board

Statutory Reference: Section 10-9-8 NMSA 1978 (Personnel Act).

Organizational Status: Administratively attached to the general services department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes

Funding: General appropriation act; statutory per diem and mileage in office budget.

Membership: Five members appointed by the governor and confirmed by the senate for staggered five-year terms. Members may not be state employees or officials or officers of a political organization.

Powers and Duties: Section 10-9-10 NMSA 1978: promulgate rules to carry out provisions of the Personnel Act; hear appeals and make recommendation to employers; hire, with approval of the governor, a director; review budget requests of office; make necessary investigations, studies and audits; make annual reports; establish and maintain liaison with the department; and represent public interest in the improvement of personnel administration.

Duplication, Similarity or Connection with Other Agencies: Each department (and some smaller agencies) also has a personnel office; the legislature may want to look further at individual offices to ensure that duplication is held to a minimum.

Category: General Government
Private Equity Investment Advisory Committee

Statutory Reference: Section 6-8-20 NMSA 1978.

Organizational Status: Advisory to state investment council.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: Indirect through state investment council; statutory per diem and mileage.

Membership: State investment officer; a member of the investment council appointed by the council; and three members qualified by pertinent experience appointed by the council. Council appointees, except the council member, serve staggered three-year terms and meet at the call of the chair or the state investment officer. The committee elects the chair and other officers.

Other: Members are state employees for purposes of the Tort Claims Act.

Section 6-8-20 NMSA 1978: no person may be a member of the committee if any recommendation, action or decision will or is likely to result in a direct, measurable economic gain to that person or the person's employer.

Powers and Duties: Section 6-8-20 NMSA 1978: review and make recommendations on private equity investments; advise council in matters and policies related to such investments; and establish policies for national, state and film private equity fund investments at least annually and make copies available.

Section 7-27-5.26 NMSA 1978: review the potential for business in films produced in New Mexico.

Duplication, Similarity or Connection with Other Agencies: The state investment council.

Category: General Government
Procurement Standards and Specifications Committee, State

Statutory Reference: Section 13-1-162 NMSA 1978 (Procurement Code).

Organizational Status: Unspecified

Policy or Advisory? Policy

Rulemaking Authority? No

Federal Mandate: No

Senate Confirmation? No

Funding: No direct appropriation; per diem and mileage not statutory.

Membership: The state purchasing agent, who is chair, and 11 members knowledgeable in procurement procedures, appointed by the secretary of general services with the approval of the governor as follows: one representative each of the transportation, health and environment [sic] and corrections departments; one elected county official or full-time county employee; one elected municipal official or full-time municipal employee; one elected district school board member or full-time school employee; two persons representing other state departments; and two persons from the private sector. Terms are coextensive with the term of the governor; local government members also must maintain office or position. State purchasing agent provides necessary staff.

Other: The general services department reports that the committee has been inactive for several years.

Powers and Duties: Section 13-1-163 NMSA 1978: prepare standards, specifications and list of acceptable brand-name items and seek the advice of state agencies and local public bodies to ascertain common and special requirements; develop model specifications; assist the state purchasing agent in the preparation of rules; appoint ad hoc committees to study any commodity or commodity group; and make use of laboratories, engineering facilities and technical staff of any state department or agency, including educational institutions.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: General Government

Public Employee Labor Relations Board

Statutory Reference: Section 10-7E-8 NMSA 1978 (Public Employee Bargaining Act).

Organizational Status: Unspecified

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Funding: General appropriation act; statutory per diem and mileage for members.

Membership: Three members appointed by the governor, with one member recommended by organized labor representatives actively involved in representing public employees, one member recommended by public employers actively involved in collective bargaining and one member jointly recommended by the other two appointees. Members serve staggered three-year terms commencing on July 1; members may serve an unlimited number of terms. Vacancies are filled in the same manner as original appointments for the remainder of the unexpired terms. During the term for which appointed, a board member shall not hold or seek any other political office or public employment or be an employee of a labor organization or an organization representing public employees or public employers.

Other: The board has subpoena power and may impose appropriate administrative penalties.

Powers and Duties: Section 10-7E-9 NMSA 1978: promulgate rules to accomplish and perform its functions and duties as established in the act, including designation of appropriate bargaining units; selection, certification and decertification of exclusive representatives; and filing of, hearing on and determination of complaints of prohibited practices. Also, hold hearings and make inquiries, conduct studies and request information and data from public employers and labor organizations. May issue subpoenas, hire personnel and contract. The board shall decide issues by majority vote and enforce the act.

Section 10-7E-10 NMSA 1978: approve creation of local boards.

Duplication, Similarity or Connection with Other Agencies: The state personnel board and office. Statute allows the creation of local boards.

Category: General Government

Public Employees Retirement Board

Statutory Reference: Section 10-11-130 NMSA 1978 (Public Employees Retirement Act).

Organizational Status: Independent

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Funding: General appropriation act; other state funds = public employees retirement fund; statutory per diem and mileage.

Membership: The secretary of state; the state treasurer; four members under a state coverage plan elected by members of that plan; four members under a municipal coverage plan elected by members of that plan, including one municipal member employed by a county; and two retired members elected by retired members of the association. Members serve four-year terms. Four unexcused absences is considered resignation. The board must meet at least quarterly. The board elects the chair and vice chair.

Other: Subpoena power and power to administer oaths. The state treasurer is the treasurer of the board and custodian of its funds.

Powers and Duties: Administer state retirement system acts.

Section 10-11-131 NMSA 1978: appoint the executive director and other professional staff, and fix employee compensation.

Duplication, Similarity or Connection with Other Agencies: The educational retirement board.

Category: General Government
Public Records, State Commission of

Statutory Reference: Section 14-3-3 NMSA 1978 (Public Records Act).

Organizational Status: Adjunct

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No, but there are federal incentives.

Senate Confirmation? No

Funding: General appropriation act; reimbursed for actual expenses for meetings and official duties.

Membership: Seven members as follows: secretary of state; secretary of general services; state law librarian; director of the museum of New Mexico; state auditor; attorney general and a recognized, professional historian trained in the field of New Mexican history and a New Mexico resident. The public member is appointed by the governor for a six-year term. The commission elects the chair and the secretary. It meets not less than four times a year. The state records administrator is required to attend all meetings.

Powers and Duties: Section 14-3-4 NMSA 1978: employ state records administrator; approve biennial budget; decide disagreements between administrator and state officials; determine records destruction; approve material loans; adopt rules; request designation of records liaison officers from state agencies; and prepare annual report to the governor.

Section 14-3-5 NMSA 1978: accept gifts, donations and loans.

Section 14-3-14 NMSA 1978: appoint advisory groups.

Section 14-3-19 NMSA 1978: purchase for resale storage boxes, film and other supplies, to be sold at cost plus five percent.

Other: The commission has created the historical records advisory board to promote the national historical publications and records commission program throughout the state.

Duplication, Similarity or Connection with Other Agencies: There is a natural connection with the state library.

Category: General Government

Public Regulation Commission

Statutory Reference: Article 11, Section 1 of the constitution of New Mexico; Section 8-8-3 NMSA 1978 (Public Regulation Commission Act).

Organizational Status: Constitutional agency.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Funding: General appropriation act.

Membership: Five members elected from districts, as provided in the constitution and the Public Regulation Commission Apportionment Act, who serve staggered four-year terms beginning on January 1 following their election. After serving two terms, members are ineligible until a full term has intervened. The commission elects the chair annually.

Members are prohibited by the constitution from accepting anything of value from a person or entity whose charges for services to the public are regulated by the commission.

Powers and Duties: Article 11, Section 2: charter and regulate business corporations as provided by law and regulate public utilities, including electric, natural gas and water companies; transportation companies, including common and contract carriers; transmission and pipeline companies, including telephone, telegraph and information transmission companies; insurance companies and others engaged in risk assumption; and other public service companies, in such manner as the legislature shall provide.

Section 8-8-4 NMSA 1978: administer and enforce the laws with which it is charged; appoint and employ professional, technical and clerical staff; delegate authority to subordinates; retain competent attorneys to handle legal matters and represent the commission; organize its organizational units; issue orders; conduct research; conduct investigations; accept grants and donations; enter into contracts; adopt rules; and provide a toll-free telephone number.

Section 8-8-4.1 NMSA 1978: administer and regulate propane service.

Section 22-17-2 NMSA 1978: approve a permit application for school buses to be used for public transportation.

Laws are administered by the commission: Public Utility Act, New Mexico Telecommunications Act and other communications laws, Pipeline Safety Act, Insurance Code, Renewable Energy Act, Motor Carrier Act and corporation laws.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: General Government

Retiree Health Care Authority, Board of the

Statutory Reference: Section 10-7C-6 NMSA 1978 (Retiree Health Care Act).

Organizational Status: Adjunct

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Funding: General appropriation act; other state funds = retiree health care fund; statutory per diem and mileage for board and advisory committee members.

Membership: No more than twelve members as follows: one member not employed by or contracting with a retiree health care employer; one member appointed by the governor to serve at the governor's pleasure; one educational retirement director or designee; one member selected by the public school superintendents' association; one teacher selected by a committee composed of one person from the association of classroom teachers, one person from the national education association and one person from the New Mexico federation of teachers; one member who is an eligible retiree selected by the association of retired educators; one executive secretary of the public employees retirement association; one eligible retiree selected by retired public employees; one member who is an elected official of a municipality; the state treasurer; and one classified state employee selected by the state personnel board. The board shall include, if they qualify, one member who is an eligible retiree of a participating institution of higher education selected by the association of retired educators; and one member who is an elected official or employee of a participating county selected by the association of counties. Members serve at the pleasure of their appointing authorities. The board elects the president, vice president and secretary and may appoint other officers and advisory committees as it deems necessary.

Powers and Duties: Operates the retiree health care authority.

Duplication, Similarity or Connection with Other Agencies: Duplicates the risk management division functions of the general services department.

Category: General Government

Risk Management Advisory Board

Statutory Reference: Section 15-7-4 NMSA 1978.

Organizational Status: Advisory to risk management division of general services department.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: Indirect through risk management division; statutory per diem and mileage for nongovernmental members.

Membership: Nine members as follows: the attorney general or designee; the superintendent of insurance; secretary of finance and administration or designee; chief financial officer of a public school district appointed by the governor; an attorney named by the bar association president; the director of the legislative council service or designee; chief financial officer of an institution of higher education appointed by the governor; an insurance agent licensed to write property, casualty and life appointed by the governor; and the chief financial officer of a local public body or the chief administrator of an entity of a local public body, other than a school district, appointed by the governor. Nonstate members serve four-year terms. The board elects the chair and vice chair.

Powers and Duties: Section 15-7-5 NMSA 1978: review specifications for insurance policies purchased by the division; all professional service and consulting contracts; companies and agents to be selected to submit proposals; rules to be promulgated by the division; form, purpose and content of certificates of coverage to be issued by the division; and investments to be made by the division.

Duplication, Similarity or Connection with Other Agencies: Similarity with other insurance provider boards, e.g., the retiree health care authority and the public school insurance authority.

Category: General Government
Voting System Certification Committee

Statutory Reference: Section 1-9-7.5 NMSA 1978.

Organizational Status: Unspecified

Policy or Advisory? Unspecified, but committee has veto power over secretary of state's certification of voting systems.

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: Unspecified; statutory per diem and mileage.

Membership: The secretary of information technology or designee from within the department of information technology and four additional members as follows: one member appointed by the president pro tempore of the senate; one member appointed by the minority leader of the senate; one member appointed by the speaker of the house of representatives; and one member appointed by the minority leader of the house of representatives. The four additional members appointed shall be county clerks or their chief deputies or other persons knowledgeable of elections in this state. Members shall be appointed no later than May 1 of each even-numbered year for terms of two years. Vacancies are filled by the original appointing authority. The members select the chair. A person who is currently or has been within the previous 12 months an employee or contractor of a voting machine vendor or the office of the secretary of state may not serve. All meetings are open meetings held in accordance with the Open Meetings Act. All reports and other records that are used, created, received, maintained or held by or on behalf of the voting system certification committee shall be open to public inspection pursuant to the Inspection of Public Records Act.

Powers and Duties: Section 1-9-7.5 NMSA 1978: the committee shall review written test reports and the findings of the secretary of state on the certification, recertification and decertification of voting systems for use in elections in the state.

Section 1-9-14 NMSA 1978: the secretary of state submits filed reports and any public comments for consideration by the committee. The committee makes recommendations regarding the suitability and reliability of the use of such equipment in the conduct of elections under the Election Code. The committee recommends that a voting system be certified for use in the state only if it complies with all requirements in the Election Code and the most recent voluntary voting system guidelines adopted by the United States election assistance commission. If the committee report finds that the voting system does not comply with all requirements in the

Election Code or does not meet federal election standards, the secretary of state shall allow 30 days for an appeal of the findings to be filed or for the deficiencies to be corrected, following which the secretary of state shall report back to the committee with a written final report. The committee reconvenes to consider the final report of the secretary of state and make final recommendations regarding the suitability and reliability of the use of such equipment in the conduct of elections under the Election Code. If the committee recommends that the voting system is suitable for use in elections in New Mexico, within 30 days of receiving the recommendation, the secretary of state shall certify or recertify the equipment for use in elections in this state. If the committee does not recommend that the voting system for recording and tabulating votes is suitable for use in elections in New Mexico, within 30 days of receiving the recommendation, the secretary of state shall deny the application or decertify the equipment for use in elections in this state.

Duplication, Similarity or Connection with Other Agencies: Secretary of state.

Category: Health and Human Services

Adolescent Treatment Hospital Governing Board

Statutory Reference: Section 23-9-5 NMSA 1978 (Adolescent Treatment Hospital Act).

Organizational Status: Advisory to the secretary of health.

Policy or Advisory? Advisory (Although name indicates governing authority, none is granted.)

Rulemaking Authority? May adopt rules to carry out its duties and administer provisions of the Adolescent Treatment Hospital Act; however, administration and control of the hospital is vested in the secretary of health (Section 23-9-7 NMSA 1978).

Federal Mandate? The joint commission on accreditation of health facilities requires a governing board; members may be agency personnel.

Senate Confirmation? No

Funding: No direct appropriation; per diem and mileage not statutory.

Other: The hospital is known as Sequoyah adolescent treatment center

Membership: Five members appointed by the secretary of health; no actual terms, members serve at the secretary's pleasure. Members must be familiar with the treatment and care of violent adolescents who have mental disorders.

Powers and Duties: Section 23-9-5 NMSA 1978: advise the secretary on professional practices, community concerns and policies and procedures related to treatment of adolescents admitted to the hospital.

Duplication, Similarity or Connection with Other Agencies: Personnel of the department of health are the governing board.

Category: Health and Human Services
Adult Offender Supervision, State Council for Interstate

Statutory Reference: Section 31-5-20 NMSA 1978 (Article 4 of the Interstate Compact for Adult Offender Supervision).

Organizational Status: Unspecified

Policy or Advisory? Unspecified

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: Unspecified; presumably none.

Membership: Council determines the membership of its own state council, but its membership must include at least one representative from the legislative, judicial and executive branches of government and victims' groups and its compact administrator.

Powers and Duties: Section 31-5-20 NMSA 1978, Article 4 of compact: each compacting state shall create a state council that shall be responsible for the appointment of the commissioner who shall serve on the interstate commission from that state. Each state council shall appoint as its commissioner the compact administrator from that state to serve on the interstate commission in such capacity under or pursuant to applicable law of the compacting state. Each compacting state retains the right to determine the qualifications of the compact administrator, who shall be appointed by the state council or by the governor in consultation with the legislature and the judiciary. In addition to appointment of its commissioner to the interstate commission, each state council shall exercise oversight and advocacy concerning its participation in interstate commission activities and other duties as may be determined by each compacting state, including the development of policy concerning operations and procedures of the compact within that state.

Duplication, Similarity or Connection with Other Agencies: N/A

Category: Health and Human Services

Adult Support and Services Task Force, Statewide

Statutory Reference: Section 28-16A-13 NMSA 1978 (Developmental Disabilities Act).

Organizational Status: Created by the department of health.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: No direct appropriation; per diem and mileage is not statutory.

Membership: Unspecified

Powers and Duties: Unspecified other than to state that it addresses quality assurance.

Duplication, Similarity or Connection with Other Agencies: The Developmental Disabilities Planning Council (DDPC), the department of health and aging and long-term services department.

Category: Health and Human Services
Aging, Advisory Committee to the State Agency on

Statutory Reference: Section 28-4-9 NMSA 1978.

Organizational Status: Advisory to aging commission [aging and long-term services department].

Policy or Advisory? Policy-advisory

Rulemaking Authority? No

Federal Mandate? Yes, Older Americans Act of 1965.

Senate Confirmation? No

Funding: Indirect through agency; statutory per diem and mileage.

Membership: Eleven members appointed by the governor; appointments must conform to federal requirements regarding membership; members serve staggered four-year terms.

Powers and Duties: Unspecified; the agency reports that the committee ratifies state agency plans.

Other: Chapter 28, Article 4 NMSA 1978 conflicts with Chapter 9, Article 23 NMSA 1978 that creates the aging and long-term services department. The department requested that Chapter 28, Article 4 NMSA 1978 not be repealed, presumably for reasons having to do with federal law.

Duplication, Similarity or Connection with Other Agencies: Aging and long-term services department.

Category: Health and Human Services

Air Transport Advisory Committee

Statutory Reference: Section 24-10B-7 NMSA 1978 (Emergency Medical Services Act).

Organizational Status: Subcommittee of statewide emergency medical services advisory committee.

Policy or Advisory? Unspecified

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: Indirect through the department of health; statutory per diem and mileage to the extent that funds are available.

Membership: Unspecified

Powers and Duties: Unspecified

Duplication, Similarity or Connection with Other Agencies: Emergency medical services bureau of the department of health. Emergency medical services has several committees; this is a subcommittee of an advisory committee.

Category: Health and Human Services
Behavioral Health Planning Council

Statutory Reference: Section 24-1-28 NMSA 1978.

Organizational Status: Unspecified; replaces the governor's mental health planning council.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? Acts in accordance with P.L. 102-321 of the federal Public Health Service Act.

Senate Confirmation? No

Funding: No direct appropriation; per diem and mileage not statutory.

Membership: An unspecified number of members appointed by and serving at the pleasure of the governor, including: consumers of behavioral health services and consumers of substance abuse services as follows: adults with serious mental illness, seniors, family members of adults with serious mental illness and of children with serious emotional or neurobiological disorders and persons with co-occurring disorders; Native American representatives from a pueblo, an Apache tribe, the Navajo Nation and an urban Native American population; providers; state agency representation from agencies responsible for: adult mental health and substance abuse, children's mental health and substance abuse, education, vocational rehabilitation, criminal justice, juvenile justice, housing, medicaid and social services, health policy planning, developmental disabilities planning and disabilities issues and advocacy; advocates; and such other members as the governor may appoint to ensure appropriate cultural and geographic representation. Providers and state agency representatives together may not constitute more than 49 percent of the council membership. The chair is selected by the council membership.

Powers and Duties: Section 24-1-28 NMSA 1978: advocate for persons with mental illness or severe emotional neurobiological and behavioral disorders, including substance abuse and co-occurring disorders; report annually to the governor and the legislature on the adequacy and allocation of mental health services in the state; encourage and support the development of a comprehensive, integrated, community-based behavioral health system of care; advise state agencies responsible for behavioral health services; meet regularly; establish subcommittees; and review and make recommendations for the comprehensive mental health state block grant and the substance abuse block grant applications, the state plan for medicaid services and other plans or applications for federal or foundation funding.

Other: Subcommittees include: the medicaid subcommittee, chaired by the secretary of human services or designee, which may also serve as a subcommittee of the medicaid advisory

committee; the child and adolescent subcommittee, chaired by the secretary of children, youth and families or designee; the adult subcommittee, chaired by the secretary of health or designee; the substance abuse subcommittee, chaired by the secretary of health or designee, which shall include DWI issues and representation from local DWI councils; and the Native American subcommittee, chaired by the secretary of Indian affairs or designee. Subcommittees may include nonvoting members appointed by the chair for purposes of providing expertise necessary to the charge of the subcommittee.

Duplication, Similarity or Connection with Other Agencies: Several state agencies provide or fund mental health, alcohol or substance abuse and other behavioral health services.

Category: Health and Human Services
Blind, Commission for the

Statutory Reference: Section 28-7-16 NMSA 1978 (Commission for the Blind Act).

Organizational Status: Adjunct

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No; authorized to receive and administer any federal funds relating to vocational rehabilitation of blind persons. Commission is required to create a state rehabilitation council for the blind pursuant to federal Rehabilitation Act of 1973 to receive financial assistance.

Senate Confirmation? Yes

Funding: General appropriation act; per diem and mileage.

Membership: Three members, at least one of whom is blind, appointed by the governor with the advice and consent of the senate. Members serve staggered six-year terms.

Powers and Duties: Section 28-7-17 NMSA 1978: apply for and receive money; maintain a complete register of blind persons in the state, specifying the nature and cause of blindness, capacity and need for educational or industrial training and other pertinent information; maintain bureaus of information and industrial assistance to help blind people find employment, train them in work that can be pursued in their own homes and assist in merchandising and marketing their goods; establish, equip and maintain a center with qualified instructors for vocational, industrial and other training of eligible blind people; research and study the causes of blindness and its prevention; cooperate with the appropriate state agencies in the adoption and carrying out of preventive measures relating to blindness; promulgate rules; and publish annual report.

Section 28-7-18 NMSA 1978: appoint the director who employs other staff.

Section 28-7-19 NMSA 1978: determine the procedure for examinations to establish blindness and maintain a list of ophthalmologists.

Section 28-7-20 NMSA 1978: arrange and pay for examinations to determine blindness; and arrange and pay for medical and surgical treatment of blind people.

Section 28-7-23 NMSA 1978: hold hearings for persons applying for or receiving services and adopt rules to govern conduct of hearings.

Section 22-14-28 NMSA 1978: prescribe rules and administer the vending stand program.

Other: To receive federal assistance under the federal Rehabilitation Act of 1973, Section 105 (a)(2), the commission is required to create a state rehabilitation council for the blind. Federal law governs membership.

Duplication, Similarity or Connection with Other Agencies: There may be some overlap with the vocational rehabilitation division of the public education department and the school for the blind and visually impaired.

Category: Health and Human Services

Brain Injury Advisory Council

Statutory Reference: Section 24-20-3 NMSA 1978.

Organizational Status: Staff and administrative support by developmental disabilities planning council (DDPC) or other agency as assigned by the governor. Currently, administrative support is provided by DDPC.

Policy or Advisory? Advisory to DDPC, governor, legislature and state agencies.

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: Indirect through DDPC; statutory per diem and mileage.

Membership: Between 18 and 24 members appointed by the governor, including survivors of brain injuries, family members of persons with brain injuries, health care professionals and representatives of other private organizations and state agencies that provide services and support to persons with brain injuries. Members serve staggered three-year terms.

Powers and Duties: Section 24-20-3 NMSA 1978: study and make recommendations to DDPC and others concerning case management, community support systems, long-term care, employment, emergency medical services, rehabilitation and prevention and improvement and coordination of state activities relative to concerns of persons with brain injuries and their families or other caregivers; and advise appropriate state agencies and private organizations on the development of services and supports that meet the needs of persons with brain injuries.

Duplication, Similarity or Connection with Other Agencies: Similarity with missions of DDPC, governor's commission on disability, department of health, vocational rehabilitation division of public education department and, possibly, health policy commission.

Category: Health and Human Services
Child Development Board

Statutory Reference: Section 32A-16-3 NMSA 1978.

Organizational Status: Unspecified; the office of child development is located in the children, youth and families department, but the board makes recommendations to both the office and the public education department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Funding: No direct appropriation; statutory per diem and mileage.

Membership: Seven members appointed by the governor, no more than four of whom shall be affiliated with the same political party. Members must have knowledge and experience in early childhood development and education. Members serve staggered four-year terms.

Powers and Duties: Section 32A-16-4 NMSA 1978: recommend to the secretary of children, youth and families the hiring of the director of child development; adopt licensure requirements, policies and procedures for people working in licensed or registered health facilities with children from birth to age five; make recommendations to the state board of education [public education department] regarding additional licensure requirements for public school personnel working with public school children to age eight; work with other state agencies to promote a uniform and comprehensive method of licensing child care personnel; adopt policies and procedures for the office of child development; develop levels of licensure for nonpublic school personnel; work with the department of health to develop levels of licensure for nonpublic school personnel for developmentally delayed children; adopt program criteria for state-funded preschool programs; and work with other agencies to monitor the implementation of state-funded preschool program criteria.

Duplication, Similarity or Connection with Other Agencies: The children, youth and families department has several boards that advise or oversee department functions.

Category: Health and Human Services
Children, Youth and Families Advisory Committee

Statutory Reference: Section 9-2A-12 NMSA 1978 (Children, Youth and Families Department Act).

Organizational Status: Advisory to children, youth and families department.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: No direct appropriation; statutory per diem and mileage.

Membership: Eleven members appointed by the governor who have demonstrated interest and involvement in children, youth and family services, particularly those services and programs administered or funded by the department. Members must provide adequate representation of ethnic groups and geographic areas of the state. At least two members shall be parents who are recipients of department services, and at least two members shall be youths between 16 and 21 years of age. At least one member shall serve on the governor's youth council.

Powers and Duties: Section 9-2A-12 NMSA 1978: assist in the development of policies and procedures for the department.

Duplication, Similarity or Connection with Other Agencies: The department has several advisory committees, e.g., interagency coordinating group, child development board, children's trust fund board, juvenile justice advisory committee (required by federal law) and juvenile community corrections review panel.

Category: Health and Human Services

Children's Cabinet

(replaces the interagency coordinating group of the children, youth and families department)

Statutory Reference: Section 32A-22-2 NMSA 1978 (Children's Cabinet Act).

Organizational Status: Administratively attached to the office of the governor.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No, though all members have been confirmed by the senate.

Funding: No

Membership: Thirteen members, including the governor; the lieutenant governor; and the secretaries of children, youth and families, corrections, human services, labor, health, finance and administration, economic development, public safety, aging and long-term services, Indian affairs and public education. Cabinet meets at least six times a year. Each year the cabinet selects either the governor or lieutenant governor as chair.

Powers and Duties: Section 32A-22-3 NMSA 1978: study and make recommendations for the design of a coordinated system to maximize outcomes among children and youth under 21, particularly those in disadvantaged situations, in the following areas: physical and mental health fitness, family and community safety and support, preparedness for and success in school, successful transition to meaningful and purposeful adulthood and employment and valued contributions to and active participation in communities.

Departments that are part of the children's cabinet may enter into joint powers agreements pursuant to the act.

At least twice a year, the cabinet meets with parents; children; youth; educators; public officials; and representatives of faith-based organizations, community-based organizations, philanthropic organizations, public schools and public school districts, colleges and universities, health care providers, nonprofit organizations, youth service providers, political subdivisions, the interim legislative health and human services committee and the legislative education study committee.

By September 1 of each year, the cabinet reports and makes recommendations to the governor and the legislature, including a child and youth report card and a child and youth policy

and inventory budget identifying state programs and initiatives, including proposed budget allocations.

Duplication, Similarity or Connection with Other Agencies: Governor's cabinet.

Category: Health and Human Services

Children's Trust Fund Board of Trustees

Statutory Reference: Section 24-19-5 NMSA 1978 (Children's Trust Fund Act).

Organizational Status: Unspecified

Policy or Advisory? Unspecified; appears to have more than a simply advisory role.

Rulemaking Authority? No; human services department [children, youth and families department] promulgates rules approved by board.

Federal Mandate? No; but federal law provided incentives for the creation of children's trust funds.

Senate Confirmation? Yes

Funding: No direct appropriation; statutory per diem and mileage.

Membership: Nine members, not state employees, knowledgeable in the area of children's programs, appointed by the governor with the advice and consent of the senate; at least two members must be individuals of recognized standing in the field of children's services. Staggered terms are four years.

Other: Section 24-19-8 NMSA 1978: provides that human services department provide necessary technical and clerical assistance. That duty has been taken over by the children, youth and families department.

Powers and Duties: Section 24-19-7 NMSA 1978: meet at least four times a year to review proposals submitted to the children, youth and families department and take all action necessary or proper for administration of the Children's Trust Fund Act; and approve or disapprove each proposal submitted and base its decision on merit and feasibility, the best interest of proposal beneficiaries and the capacity of the project's success for evaluation.

Duplication, Similarity or Connection with Other Agencies: Children, youth and families department.

Category: Health and Human Services
Colonias Infrastructure Board

Statutory Reference: Section 6-30-4 NMSA 1978 (Colonias Infrastructure Act).

Organizational Status: Unspecified, but the New Mexico finance authority staffs and administers the project fund.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes, for members appointed by either the house or senate.

Funding: Unspecified; statutory per diem and mileage for those appointed by house or senate; no compensation for others.

Membership: Seven voting members: the secretary of finance and administration or designee; secretary of environment or designee; chief executive officer of the New Mexico finance authority or designee; one member appointed by the president pro tempore of the senate; one member appointed by the minority leader of the senate; one member appointed by the speaker of the house; and one member appointed by the minority leader of the house. Those appointed by the house or senate serve at the pleasure of the appointing authority, must be residents of the colonias areas and have experience in capital project development or administration. Five advisory, nonvoting members: the executive director of the south central New Mexico council of governments or designee; the executive director of the southwest New Mexico council of governments or designee; the executive director of the southeastern New Mexico economic development district or designee; the executive director of the New Mexico association of counties or designee; and the executive director of the New Mexico finance authority or designee.

Powers and Duties: Section 6-30-4 NMSA 1978: review applications for financial assistance; prioritize qualified projects for financial assistance; and recommend qualified projects to the New Mexico finance authority for financial assistance.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: Health and Human Services
Compulsive Gambling Council

Statutory Reference: Section 9-7-11.4 NMSA 1978 (Department of Health Act).

Organizational Status: Administratively attached to the department of health.

Policy or Advisory? Unspecified, though it is required to develop and implement a strategic plan.

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: No; members serve voluntarily.

Membership: Fifteen members appointed by and serving at the pleasure of the governor. Members are: the secretary of health or designee who serves as the chair; member of the governor's staff; member of the gaming control board; member of the lottery authority board; member of a fraternal organization that sponsors gambling; two persons with expertise in the field of compulsive gambling; two Indians from a tribe or pueblo with gaming operations; two representatives of non-Indian gaming; two representatives from the behavioral health profession; two representatives of the general public. The council meets regularly at the call of the chair.

Powers and Duties: Section 9-7-11.4 NMSA 1978: develop and implement a strategic prevention and treatment of compulsive gambling plan; recommend compulsive gambling prevention and treatment standards to the department; collaborate with appropriate state agencies to link compulsive gambling data collection and referral information to crisis response hot lines or youth and domestic violence initiatives; collaborate with the department to improve data collection regarding gambling-related suicide, bankruptcies and domestic violence; collaborate with the department and aging and long-term services department to educate seniors about recognition and treatment of compulsive gambling problems; and develop and recommend a voluntary self-exclusion program to the governor. Beginning in 2008, the council must submit an annual report to the governor and the appropriate legislative interim committee.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: Health and Human Services

Deaf and Hard-of-Hearing Persons, Commission for

Statutory Reference: Section 28-11B-1 NMSA 1978.

Organizational Status: Adjunct

Policy or Advisory? Policy

Rulemaking Authority? Unspecified

Federal Mandate? No

Senate Confirmation? Yes

Funding: General appropriation act; statutory per diem and mileage.

Membership: Seven members, a majority of whom must be deaf or hard of hearing, appointed by the governor without regard for party affiliation, with the advice and consent of the senate. Staggered terms are six years. Appointments include the president of the New Mexico association for the deaf; the superintendent of the school for the deaf; a parent of a deaf or hard-of-hearing child; the director of the vocational rehabilitation division of the public education department; a professional person who is deaf or hard-of-hearing; and one deaf or hard-of-hearing person who resides in southern New Mexico and one from northern New Mexico.

Powers and Duties: Section 28-11B-2 NMSA 1978: supervise activities of the staff; identify needs of the deaf and hard-of-hearing population; provide educational assistance to state agencies and ensure compliance with the Americans with Disabilities Act; coordinate with state agencies providing services for the deaf and hard of hearing; advocate for equal access to services and opportunities for the deaf and hard of hearing; provide continuing education services to the deaf and hard of hearing; assist in establishment of statewide interpreter referral service; review and coordinate certification and evaluation processes for interpreters; convene at least four times a year in varying locations; and submit reports on its work.

Section 28-11B-4 NMSA 1978: may appoint task forces.

Section 63-9F-6 NMSA 1978: invite and administer proposals or bids to design and implement a telecommunications relay system to enable impaired and unimpaired persons to communicate, considering price and community interest in access to high quality, technologically advanced systems, as well as residency; perform all the actions necessary to carry out the provisions of the Telecommunications Access Act, including making rules as necessary, gaining certification from the federal communications commission, funding and spending funds from the specialized telecommunications relay system and identifying needs for specialized equipment. The commission may require an annual audit of each

telecommunications company participating in the telecommunications relay system. The commission reports to the revenue stabilization and tax policy committee annually by September 30.

Duplication, Similarity or Connection with Other Agencies: There are several boards, commissions, councils and committees that deal with disabled populations, either as a whole or selectively.

Category: Health and Human Services

Developmental Disabilities Planning Council

Statutory Reference: Section 28-16A-4 NMSA 1978 (Developmental Disabilities Act).

Organizational Status: Adjunct

Policy or Advisory? Policy

Rulemaking Authority? Unspecified

Federal Mandate? Section 28-16A-4 NMSA 1978 provides that the developmental disabilities planning council is created in accordance with federal law.

Section 28-16A-7 NMSA 1978: a statewide needs assessment was required by federal law; however, a compiler's note indicates sections were omitted from the USC in the general revision by P.L. 98-527.

Senate Confirmation? No

Funding: General appropriation act; statutory per diem and mileage.

Membership: No fewer than 18 members, at least half of whom are people with developmental disabilities or parents, relatives or guardians of people with developmental disabilities. Membership includes secretary of health; secretary of human services; secretary of children, youth and families; secretary of aging and long-term services; two directors from the public education department, including the vocational rehabilitation division; director of the state protection and advocacy system; representatives of institutions of post-secondary education; representatives of each program established with institutions of post-secondary education pursuant to the federal act; and representatives of local government agencies, nongovernment agencies or nonprofit groups concerned with services to the disabled, including a service provider. Non-ex-officio members are appointed by the governor for three-year terms.

Other: Federal law requires that for every agency representative on the council there must be a citizen representative. The council employs an executive director; the director employs other necessary staff.

Powers and Duties: Section 28-16A-5 NMSA 1978: act as planning and coordinating body; provide statewide systems advocacy; work with appropriate state agencies to develop the developmental disabilities three-year plan as required by federal law; monitor and evaluate implementation of the plan; review and comment on all state plans that relate to programs affecting people with developmental disabilities; submit periodic reports to the federal department of health and human services through the office of the governor; advise the governor and legislature about the needs of the developmentally disabled; carry out other activities

authorized or required by federal law; award grants and enter into contracts; seek funding from sources other than state; create and support regional, county or local advisory councils; and provide training to persons with developmental disabilities, their families and providers of support and services through traineeships, sponsoring training opportunities and other means.

Section 28-16A-7 NMSA 1978: pursuant to federal law (section omitted in 1984 law), conduct a needs assessment of persons with developmental disabilities to: determine the number residing in the state; the range and degree of severity of disabilities; present placement and support and services being received; and needs for support and services and extent that their needs are unserved or underserved. Assessment is required to be repeated every two years.

Section 28-16A-8 NMSA 1978: coordinate, review and comment on plans for services to the developmentally disabled developed by all the major state agencies providing funding services, including the department of health, the human services department, the public education department, the vocational rehabilitation division of the public education department, the children, youth and families department, the school for the deaf and the school for the blind and visually handicapped.

Section 28-16A-9 NMSA 1978: provide information and referral services to persons with disabilities, families and providers.

Section 28-16A-19 NMSA 1978: information and referral task force to develop a statewide comprehensive 211 information and referral plan. The task force includes representatives from the department of health, the human services department, the children, youth and families department, the workforce solutions department, the aging and long-term services department, the internet-long-term care link program, the governor's commission on disability, the commission for the blind and visually handicapped, the commission for the deaf and hard-of-hearing and a statewide organization that raises money for health and human services and other interested persons.

Section 28-16-15.2 NMSA 1978: cooperate with the department of health and human services to provide data to support an amendment to the developmental disabilities medicaid waiver program to increase the number of eligible people served; develop a contingency plan to describe the role and control the growth of intermediate care facilities for the mentally retarded; and develop flexibility in the system of prioritization for admission to allow persons to move within the service system to an appropriate level of service. [*Section needs to be repealed or recompiled since all other sections have been replaced by Article 16A NMSA 1978.*]

Sections 28-18-1 and 28-18-2 NMSA 1978: the department of health is the designated state agency to cooperate with the federal government in the administration of the federal Individuals with Disabilities Education Act (early intervention).

Section 28-16B-2 NMSA 1978: office of guardianship created within the DDPC; the director hires the head of the office.

Duplication, Similarity or Connection with Other Agencies: Parts of the mission are duplicated or similar to the governor's commission on disability; the brain injury task force; the vocational rehabilitation division; the department of health; the human services department; the children, youth and families department; the school for the blind and visually impaired; the commission for the blind; the school for the deaf; the commission on deaf and hard-of-hearing persons; and the protection and advocacy system.

Category: Health and Human Services
Disability, Advisory Council on

Statutory Reference: Section 28-10-4 NMSA 1978.

Organizational Status: Advisory to governor's commission on disability.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: No direct appropriation; per diem and mileage not statutory.

Membership: Number unspecified; representatives of state agencies and individuals; appointed by the commission.

Other: The council is not currently constituted. The commission and staff create advisory councils as needed for special projects.

Powers and Duties: Section 28-10-4 NMSA 1978: meet at the call of the chair; make recommendations to the governor's commission for the improvement and coordination of state activities relative to the concerns of the handicapped.

Duplication, Similarity or Connection with Other Agencies: Yes, see note at the governor's commission on disability.

Category: Health and Human Services

Disability, Governor's Commission on

(former governor's commission on concerns of the handicapped)

Statutory Reference: Section 28-10-1 NMSA 1978.

Organizational Status: Administratively attached to the department of finance and administration.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No. Designated state agency for handling federal handicapped programs, except as otherwise provided by law. The commission may enter into contracts and agreements with federal agencies that do not conflict with existing programs of other state agencies.

Senate Confirmation? No

Funding: General appropriation act; per diem and mileage not statutory.

Membership: Fifteen members, nine of whom are appointed by the governor; the other six appointees include the director of the vocational rehabilitation division of the public education department; secretary of labor [workforce solutions] or designee; the director of the behavioral health services division of the human services department; the secretary of children, youth and families or designee; the secretary of aging and long-term services or designee; and the secretary of human services or designee. Appointed terms are six years; appointed members must be from different geographic areas and from major handicapped services; and appointed members include handicapped persons, representatives of government, private enterprise, parents or guardians and professionals in services for the handicapped. Not more than five of the appointed members may be from the same political party. Committee must meet at least twice a year.

Powers and Duties: Section 28-10-1 NMSA 1978: primarily concerned with those handicapped persons who have a disability or condition that, regardless of physical or mental origin, constitutes a substantial occupational disadvantage.

Section 28-10-2 NMSA 1978: establish and maintain a comprehensive statewide program designed to encourage and promote attention to the concerns of training and employment of handicapped persons; cooperate with the president's committee on employment of the handicapped and other federal efforts; cooperate with employers and training leaders; encourage and assist in the organization and operation of committees at the community level; assist state, local and federal agencies in coordination of activities; enter into agreements; inform handicapped job seekers of specific facilities available to them; conduct educational programs via publications and other means; promote the elimination of architectural barriers in public

construction; make rules; designate standing subcommittees related to state planning, community organization, public relations and information, legislative action, federal coordination, state coordination, youth, medical rehabilitation, employers and awards; designate special subcommittees; give advice and testimony; and establish and administer a residential accessibility modification program to assist low-income disabled persons.

Section 28-10-3 NMSA 1978: may accept gifts, donations or bequests. Designated agency for handling all federal programs related to individuals with disabilities.

Section 28-10-3.1 NMSA 1978: design and produce a decal for display in full-service gasoline stations with service for the disabled.

Section 28-10-3.3 NMSA 1978: design and implement a program to prevent handicapped placard abuse.

Section 28-10-4 NMSA 1978: require appointment of an advisory council on disability to meet at the call of the chair and make recommendations to the commission.

Section 28-10-6 NMSA 1978: require the commission and advisory council to make annual reports to the governor and the legislature.

Duplication, Similarity or Connection with Other Agencies: There are several government structures providing duplicative or similar services to disabled citizens: the vocational rehabilitation division of the public education department; the developmental disabilities planning council; the brain injury task force; the commission for the blind; the commission for deaf and hard-of-hearing persons; the human services department; the department of health; and the property control division of the general services department (for the committee's barrier removal and Americans with Disabilities Act function).

Category: Health and Human Services

DWI Grant Council

Statutory Reference: Section 11-6A-4 NMSA 1978 (Local DWI Grant Program Act).

Organizational Status: Unspecified; local government division serves as staff.

Policy or Advisory? Policy

Rulemaking Authority? No; rulemaking authority resides with the local government division "with the advice and approval of the council".

Federal Mandate? No

Senate Confirmation? No

Funding: Indirect through the local government division; statutory per diem and mileage.

Membership: Seven members as follows: president of the New Mexico municipal league or designee; president of the New Mexico association of counties or designee; secretary of health; secretary of finance and administration; chief of traffic safety bureau; and two representatives of local governments appointed by the governor to two-year terms to provide geographic diversity. The council meets as necessary.

Powers and Duties: Section 11-6A-3 NMSA 1978: the council awards grants pursuant to the advice and recommendations of the division.

Duplication, Similarity or Connection with Other Agencies: The local government division, community development council and department of health.

Category: Health and Human Services

Emergency Medical Services Advisory Committee, Statewide

Statutory Reference: Section 24-10B-7 NMSA 1978 (Emergency Medical Services Act).

Organizational Status: Advisory to the emergency medical services bureau of the department of health.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No, but federally funded through a preventive health block grant.

Senate Confirmation? No

Funding: Indirect through the department of health; statutory per diem and mileage to the extent that funds are available.

Membership: Number unspecified, but includes representatives from the state medical society, the state emergency medical technicians association, the state firefighters' association, the New Mexico ambulance association, the state nurses association, the association of public safety communicators organization/national emergency numbers association, the lead state agency for public safety and emergency preparedness, the state emergency services council, the New Mexico health and hospital systems association, the university of the New Mexico health sciences center, the state fire chiefs' association, a consumer, emergency medical services regional offices and other interested provider and consumer groups. The secretary of health appoints.

Powers and Duties: Section 24-10B-7 NMSA 1978: establish appropriate subcommittees, including a trauma advisory committee and an air transport advisory committee.

Duplication, Similarity or Connection with Other Agencies: Emergency medical services has several organizations that oversee various aspects of the field; this appears to be a significant committee.

Category: Health and Human Services
Emergency Medical Services, Joint Organization on Education in

Statutory Reference: Section 24-10B-7 NMSA 1978 (Emergency Medical Services Act).

Organizational Status: Unspecified

Policy or Advisory? Unspecified; department reports policy.

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: Indirect through the department of health; statutory per diem and mileage to the extent that funds are available.

Membership: Directors and medical directors of the academy and each approved emergency medical services training program; state emergency medical services medical director and the bureau chief, who are nonvoting; and three persons who instruct emergency medical technicians, one at each level of life support, who are appointed by the secretary from a list proposed by the statewide emergency medical services advisory committee.

Powers and Duties: Section 24-10B-7 NMSA 1978: develop minimum curricula content for approved training programs; establish minimum standards for approved training programs; review and approve applications for becoming an approved training program; and develop minimum qualifications for and maintain a list of instructors for each approved training program.

Duplication, Similarity or Connection with Other Agencies: Emergency medical services has several organizations that oversee various aspects of the field.

Can Existing Agency Perform Function? Unknown; possibly universities or bureau without formalized advice.

Category: Health and Human Services
Emergency Medical Services Licensing Commission

Statutory Reference: Section 24-10B-5.1 NMSA 1978 (Emergency Medical Services Act).

Organizational Status: Unspecified; staff provided by the primary care and emergency medical services bureau.

Policy or Advisory? Unspecified; the department of health reports that the commission is for policy and oversight.

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: Indirect through the department of health; statutory per diem and mileage.

Membership: One lay person; three emergency medical technicians, one from each level of life support; and three physicians, at least two of whom have expertise in emergency medicine and who are appointed from a list proposed by the New Mexico chapter of the American college of emergency physicians. The commission reflects geographic diversity and both public and private interests. Members serve staggered three-year terms. The commission meets as needed, but not less than semiannually.

Other: The commission has subpoena power.

Powers and Duties: Section 24-10B-5.1 NMSA 1978: duties and procedures are delineated in rules promulgated by the department of health, including: providing a forum for the receipt of public comment regarding emergency medical services licensing matters; oversight of the bureau's licensure functions; receiving complaints, directing investigations and authorizing initiation of actions by the bureau regarding the contemplated refusal to grant initial licensure and for disciplinary actions against licensees; and the granting of waivers of rules pertaining to license renewal.

Duplication, Similarity or Connection with Other Agencies: Emergency medical services has several organizations that oversee various aspects of the field.

Category: Health and Human Services
Family Infant Toddler Interagency Coordinating Council

Statutory Reference: Section 28-16A-13 NMSA 1978 (Developmental Disabilities Act).

Organizational Status: Created by the department of health.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: No direct appropriation; presumably not needed since it is interagency council.

Membership: Unspecified

Powers and Duties: Unspecified other than to state that it shall address quality assurance.

Duplication, Similarity or Connection with Other Agencies: N/A

Category: Health and Human Services

Food Service Sanitation Advisory Council

Statutory Reference: Section 25-1-6 NMSA 1978 (Food Service Sanitation Act).

Organizational Status: Existence is at the discretion of the secretary of environment.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: No

Membership: Number unspecified; consists of food service technicians.

Other: The council has not been in existence since late 1980s.

Powers and Duties: Section 25-1-6 NMSA 1978: assist in carrying out objectives of Food Service Sanitation Act.

Duplication, Similarity or Connection with Other Agencies: N/A

Category: Health and Human Services

Health Care Providers Licensing and Credentialing Task Force

Statutory Reference: Section 9-7-11.3 NMSA 1978 (Department of Health Act).

Organizational Status: Created under the health policy commission (which is no longer administratively attached to the department of health).

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: No

Membership: Unspecified number, but includes participation by the health policy commission; department of health; board of medical examiners; board of nursing; other health care provider boards; regulation and licensing department; insurance division of the public regulation commission; human services department; office of attorney general; other affected state agencies; members of the health care industry, including statewide associations and societies representing providers, hospitals and other affected facilities; insurers and other third-party payers; health care advocates; and members of the public.

Powers and Duties: Section 9-7-11.3 NMSA 1978: study and make recommendations for the consolidation and simplification of the health care licensure processes; make recommendations for the establishment of a web site portal for licensure to facilitate and complement or replace the current systems conducted by individual health care provider boards and for a central database for credentialing information to simplify and eliminate duplication of effort; study and make recommendations to the superintendent of insurance on health care provider credentialing issues and obstacles; and study and recommend, if practicable, the use of credentialing expertise developed by a statewide association of hospitals.

Duplication, Similarity or Connection with Other Agencies: Health policy commission, licensing boards.

Category: Health and Human Services
Health Policy Commission, New Mexico

Statutory Reference: Section 9-7-11.2 NMSA 1978 (Department of Health Act).

Organizational Status: Administratively attached to the department of finance and administration.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes

Funding: General appropriation act; statutory per diem and mileage for commission members included in operating budget.

Membership: Nine members appointed by the governor with the advice and consent of the senate to reflect ethnic, economic, geographic and professional diversity. A majority of members may not have pecuniary or fiduciary interest in the health services industry for three years preceding their appointment. Terms are staggered and for three years. The commission meets at the call of the chair at least quarterly. The commission may establish task forces.

Other: Task force members may have expertise or a pecuniary or fiduciary interest in the health services industry. Certain voting members of a task force may receive mileage.

Powers and Duties: Section 9-7-11.2 NMSA 1978: establish task forces as needed; develop a plan for and monitor implementation of the state's health policy; obtain and evaluate information pertaining to health policy, availability and accessibility of services and health personnel; perform needs assessments; prepare, publish and distribute an annual report; establish a process to make priority recommendations on program development, resources allocation and proposed legislation; provide information and analysis on health issues; serve as a catalyst and synthesizer of health policy; respond to requests by the executive and the legislature; and ensure that any behavioral health projects are conducted in compliance with Section 9-7-6.4 NMSA 1978.

Section 24-14A-3 NMSA 1978: administer provisions of the Health Information System Act.

Duplication, Similarity or Connection with Other Agencies: The health policy commission has taken over many of the functions of the department of health's former health planning

division, but the department is still involved with planning; other health-related agencies also have planning functions.

Category: Health and Human Services
HIV and AIDS Policy Commission, Governor's

Statutory Reference: Section 24-1-29 NMSA 1978.

Organizational Status: Administratively attached to the department of health, which is required to provide administrative services.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No; but the state has a federal Ryan White grant that requires a formal HIV services planning and advisory committee to the department of health. The commission would fulfill this requirement.

Senate Confirmation? No

Funding: Indirect through the department of health budget; statutory per diem and mileage.

Membership: 23 members, including the secretaries of health, human services and public education or their designees; the corrections department chief medical officer or designee; the chair of the department of health's medical advisory committee; the executive director of the New Mexico medical insurance pool or designee; and the following persons appointed by the governor: a representative of each of the six health management alliance organizations; six consumers reflecting the diversity of the HIV and AIDS population, including Native Americans and other people of color; and five public members who have expertise in HIV and AIDS services, prevention, program administration, financial management and other categories of expertise required under federal planning requirements. Appointed members serve staggered three-year terms. The governor appoints the chair.

Powers and Duties: Section 24-1-29 NMSA 1978: review and make recommendations on the department of health HIV and AIDS policies; study and make recommendations to the department on all factors affecting availability, quality and accessibility of health services for persons with HIV and AIDS, including reviewing and consulting with the department's medical advisory committee and reviewing the policies and practices of each state agency with HIV and AIDS services; serve as the planning and advisory group to the department's HIV and AIDS services program; provide its evaluation and recommendations for inclusion in the department's annual report, including recommendations for administrative and legislative changes and resource allocations and funding; provide information to the executive and legislative branches; advocate for improved and expanded services; and establish task forces as it deems necessary.

Duplication, Similarity or Connection with Other Agencies: Several state agencies provide services or are otherwise responsible for HIV and AIDS programs and patients; there is also the governor's task force on HIV/AIDS.

Category: Health and Human Services

Hospital-Acquired Infection Advisory Committee

Statutory Reference: Section 24-29-3 NMSA 1978 (Hospital-Acquired Infection Act).

Organizational Status: Created within the department of health.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: Indirect through department; per diem and mileage for members not statutory.

Membership: One consumer of health care services; representatives of the association for professionals in infection control and epidemiology, New Mexico hospital association, New Mexico medical review association and society for healthcare epidemiology of America; and the department's infectious disease epidemiology bureau.

Powers and Duties: Section 24-29-3 NMSA 1978: establish objectives, definitions, criteria and standards for the reporting of hospital-acquired infections; work with hospitals to identify and recruit volunteer hospitals in surveillance of hospital-acquired infections and other indicators; develop objectives and action plans for instituting a statewide program of surveillance of hospital-acquired infections and other indicators; identify specific infections and indicators subject to surveillance and reporting; identify and make recommendations regarding training in the use of the surveillance system or in the prevention and control of hospital-acquired infections and infectious disease; develop and disseminate appropriate reports of the findings of surveillance; and consult with technical advisors with regional or national expertise in the prevention and control of hospital-acquired infections and infectious disease.

Section 24-29-4 NMSA 1978: identify hospitals willing and qualified to participate in surveillance of hospital-acquired infections; identify their specific training and educational needs.

Section 24-29-5 NMSA 1978: determine specific infections and indicators for surveillance and reporting.

Section 24-29-6 NMSA 1978: determine content, format, venue and frequency of regular reports to the public.

Duplication, Similarity or Connection with Other Agencies: Department of health, New Mexico health policy commission, hospitals.

Category: Health and Human Services
Human Rights Commission

Statutory Reference: Section 28-1-3 NMSA 1978 (Human Rights Act).

Organizational Status: Administratively attached to the workforce solutions department.

Policy or Advisory? Policy

Rulemaking Authority? No; the secretary of labor promulgates rules.

Federal Mandate? No

Senate Confirmation? Yes

Funding: General appropriation act; statutory per diem and mileage included in the operating budget.

Membership: Eleven members appointed by the governor with the advice and consent of the senate for staggered four-year terms; not more than six from the same political party; not more than one member from any one county. The governor designates the chair.

Other: A 1994 amendment to the Human Rights Act allows the human rights division hearing officer to augment the efforts of the commission by holding hearings concerning alleged discrimination.

The commission has subpoena power.

Powers and Duties: Section 28-1-4 NMSA 1978: hear complaints and issue orders, including cease and desist orders concerning alleged unlawful discriminatory practice; hold hearings, subpoena witnesses and compel their attendance; administer oaths and take testimony under oath; and order depositions and require production for examination of any evidence.

Duplication, Similarity or Connection with Other Agencies: Human rights division.

Category: Health and Human Services

Individual Development Account Council

Statutory Reference: Section 58-30-6 NMSA 1978 (Individual Development Account Act).

Organizational Status: Unspecified

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No, but part of federal welfare reform measures.

Senate Confirmation? No

Funding: Indirect through office of workforce training and development [workforce solutions department]; statutory per diem and mileage for council meetings and conferences and workshops.

Membership: The lieutenant governor or the lieutenant governor's designee and eight members appointed by the governor to represent the state geographically. The director or the director's designee shall serve as an ex-officio member of the council.

Other: The office of workforce training and development [workforce solutions department] provides adequate staff support and administrative services for the council.

Powers and Duties: Section 58-30-6 NMSA 1978: provide oversight of the administration of the Individual Development Account Act; suggest possible changes that benefit account owners or improve the effectiveness of the individual development account programs throughout the state; and obtain subject matter expertise through attendance at conferences and workshops related to asset-building strategies. The council shall meet at least two times in a calendar year to perform its duties.

Duplication, Similarity or Connection with Other Agencies: Workforce solutions department; financial institutions division of the regulation and licensing department.

Category: Health and Human Services
Juvenile Supervision, State Council for Interstate

Statutory Reference: Section 32A-10-9 NMSA 1978.

Organizational Status: Required under the Interstate Compact on Juveniles (new version).

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: Unspecified

Membership: Unspecified; each state determines the membership of its own state council; however, membership must include at least one representative from the legislative, judicial and executive branches of government; victims' groups; the compact administrator; and deputy compact administrator or designee.

Powers and Duties: The state council advises and may exercise oversight and advocacy concerning that state's participation in interstate commission activities and other duties as determined by that state, including development of policy concerning operations and procedures of the compact within that state.

Duplication, Similarity or Connection with Other Agencies: Children, youth and families department, compact administrator.

Category: Health and Human Services
Long-Term Care, Interagency Committee on

Statutory Reference: Section 24-17A-3 NMSA 1978.

Organizational Status: Unspecified

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Funding: No

Membership: Eight members, consisting of the heads of the following agencies or their designated representatives: aging and long-term services department; human services department; department of health; children, youth and families department; workforce solutions department; governor's commission on disability; developmental disabilities planning council; and insurance division of the public regulation commission. The governor appoints the chair.

Powers and Duties: Section 24-17A-3 NMSA 1978: design and implement a coordinated service delivery system that fulfills the legislative mandate to develop a coordinated long-term care system.

Section 24-17A-4 NMSA 1978: the committee must take into consideration certain principles in the design, development and implementation of the integrated long-term care system.

Section 24-17A-5 NMSA 1978: the chair presents a report to the legislature on the progress of the committee and the status of the coordinated service delivery system. The report includes conclusions and recommendations to further the work of the interagency committee on long-term care and to complete the process of integrating the service delivery system in the state.

Duplication, Similarity or Connection with Other Agencies: None noted as this is an interagency coordinating committee.

Category: Health and Human Services

Medical Advisory Committee

Statutory Reference: Section 24-1F-4 NMSA 1978 (Billy Griego HIV and AIDS Act).

Organizational Status: Unspecified; committee created "at department".

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: No

Membership: Seven members including four physicians and two consumers with current experience in the treatment of HIV and AIDS; the department's chief medical officer or designee is chair.

Powers and Duties: Section 24-1F-4 NMSA 1978: review the department's HIV and AIDS drug formulary and policies regarding the selection, utilization and provision of those drugs; recommend changes as appropriate and report its recommendations to the governor's HIV and AIDS policy commission.

Duplication, Similarity or Connection with Other Agencies: The governor's HIV and AIDS policy commission.

Category: Health and Human Services
Medical Direction Committee

Statutory Reference: Section 24-10B-7 NMSA 1978 (Emergency Medical Services Act).

Organizational Status: Advisory to the injury prevention and emergency medical services bureau of the department of health.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: Indirect through the department of health; statutory per diem and mileage to extent funds are available.

Membership: State emergency medical services medical director serves as chair; others include a physician experienced in pre-hospital medical care selected from a list proposed by the New Mexico chapter of the American college of emergency physicians; a physician from the emergency medical services academy; a physician from each of the emergency medical services geographic regions; and one emergency medical technician at each level of life support. Members are selected to represent both public and private interests.

Powers and Duties: Section 24-10B-7 NMSA 1978: advise the bureau on matters relating to medical control and medical direction; review the medical appropriateness of all rules proposed by the bureau; review and approve applications of providers for special skills authorizations; assist in the development of rules pertaining to medical direction; and update at least annually a list of skills, techniques and medications approved for use at each level of life support that will be approved by the secretary and issued by the bureau.

Duplication, Similarity or Connection with Other Agencies: Emergency medical services has several organizations that oversee various aspects of the field.

Category: Health and Human Services
Medical Investigators, Board of

Statutory Reference: Section 24-11-1 NMSA 1978.

Organizational Status: Unspecified

Policy or Advisory? Policy for the office of the medical investigator.

Rulemaking Authority? Unspecified

Federal Mandate? No

Senate Confirmation? No

Funding: General appropriation act; the office is a line item in the university of New Mexico budget; statutory per diem and mileage.

Membership: The dean of the university of New Mexico medical school, the secretary of health, the chief of state police, the chair of the state board of thanatopractice and the secretary of Indian affairs.

Powers and Duties: Section 24-11-2 NMSA 1978: meet at least annually and as often as necessary; formulate broad policy for operation of the office of the state medical investigator and the offices of the district medical investigators; and employ and fix compensation of the state medical investigator who shall be assigned to medical school.

Duplication, Similarity or Connection with Other Agencies: No

Category: Health and Human Services

Medical Use of Cannabis Advisory Board (no statutory name)

Statutory Reference: Section 26-2B-6 NMSA 1978 (Lynn and Erin Compassionate Use Act).

Organizational Status: Advisory to the department of health.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: Indirect through department; per diem and mileage not statutory.

Membership: Eight practitioners appointed by the secretary of health representing the fields of neurology, pain management, medical oncology, psychiatry, infectious disease, family medicine and gynecology. The practitioners shall be nationally board-certified in their area of specialty and knowledgeable about the medical use of cannabis. The members shall be chosen from a list proposed by the New Mexico medical society. A quorum is three members.

Powers and Duties: Section 26-2B-6 NMSA 1978: review and recommend to the department for approval additional debilitating medical conditions that would benefit from the medical use of cannabis; accept and review petitions to add medical conditions, medical treatments or diseases to the list of debilitating medical conditions that qualify for the medical use of cannabis; convene at least twice per year to conduct public hearings and to evaluate petitions, which shall be maintained as confidential personal health information, to add medical conditions, medical treatments or diseases to the list of debilitating medical conditions that qualify for the medical use of cannabis; issue recommendations concerning rules to be promulgated for the issuance of the registry identification cards; and recommend quantities of cannabis that are necessary to constitute an adequate supply for qualified patients and primary caregivers.

Duplication, Similarity or Connection with Other Agencies: Department of health, pharmacy board, UNM health sciences center, New Mexico medical society.

Category: Health and Human Services
Miners' Hospital of New Mexico, Board of Trustees of the

Statutory Reference: Article 14, Section 1 of the constitution of New Mexico; Section 23-3-2 NMSA 1978.

Organizational Status: Adjunct

Policy or Advisory? Policy

Rulemaking Authority? Yes

Senate Confirmation? Yes

Funding: General appropriation act; other state funds = land grant funding; statutory per diem and mileage.

Federal Mandate? Yes, in the sense that the state accepted the conditions of the enabling act and confirmed the miners' hospital in the constitution.

Membership: Five members appointed by the governor with the advice and consent of the senate. One member is a physician, two members are miners and two members represent the public. Members serve staggered five-year terms.

Other: The hospital is a state land and permanent fund institution and does not receive general fund appropriations. Although the hospital is a constitutional institution, the board of trustees was created in 1975 and all property was transferred from the hospitals and institutions department to the board. It is the only constitutional institution not administered by a state agency.

Powers and Duties: Section 23-3-3 NMSA 1978: sue and be sued; contract; acquire land; do all things necessary to carry out its duties; and supervise and control all functions of the operation and management of the miners' hospital of New Mexico.

Duplication, Similarity or Connection with Other Agencies: The department of health.

Category: Health and Human Services
Next Generation Council

Statutory Reference: Section 24-19-11 NMSA 1978 (Children's Trust Fund Act).

Organizational Status: Unspecified; assists the children's trust fund board and the children, youth and families department.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: Indirect through the children, youth and families department; statutory per diem and mileage.

Membership: Ten members, at least two from each congressional district, who are not employees of the state and who are knowledgeable in the area of positive child and youth development programs, appointed by the children's trust fund board. Members serve at the pleasure of the board. Members select the chairperson.

Powers and Duties: Section 24-19-11 NMSA 1978: Evaluate proposed next generation fund projects and make funding recommendations to the board.

Duplication, Similarity or Connection with Other Agencies: Children's trust fund board; children's cabinet; children, youth and families department.

Category: Health and Human Services
Pain Management Advisory Council

Statutory Reference: Section 24-2D-5.2 NMSA 1978 (Pain Relief Act).

Organizational Status: Administratively attached to the department of health.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: Indirect through the department of health; statutory per diem and mileage for members who are not public employees.

Membership: One representative each from the New Mexico medical board [board of medical examiners], board of nursing, board of pharmacy, board of osteopathic medical examiners, board of acupuncture and oriental medicine, UNM health sciences center, statewide medical association, statewide association of pharmacists, statewide association of nurse practitioners, statewide association of certified registered nurse anesthetists and a statewide association of osteopathic physicians; one person who is a consumer health care advocate; and three persons who have no direct ties or pecuniary interest in the health care fields. All members are appointed by the governor. The council meets at least quarterly.

Powers and Duties: Section 24-2D-5.2 NMSA 1978: review current pain management practices in New Mexico; review national pain management standards and educational efforts for both consumers and professionals; recommend pain management guidelines for each health care profession licensed in New Mexico with prescriptive authority to its respective board.

Duplication, Similarity or Connection with Other Agencies: N/A

Category: Health and Human Services
Patient Qualification Review Board

Statutory Reference: Section 26-2A-5 NMSA 1978 (Controlled Substances Therapeutic Research Act).

Organizational Status: Serves at the pleasure of the secretary of health.

Policy or Advisory? Something more than advisory.

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: No direct appropriation; statute provides for reimbursement for attendance at the rate of \$40.00 per day.

Membership: Members recommended by state medical society to include an ophthalmologist, medical oncologist and psychiatrist/neurologist.

Other: The program and the board are defunct.

Powers and Duties: Section 26-2A-5 NMSA 1978: review all applicants for the Lynn Pierson therapeutic research program and their physicians and certify their participation in the program; may include other disease groups for participation in the program after the approval of the food and drug administration, the drug enforcement administration and the national institute on drug abuse.

Duplication, Similarity or Connection with Other Agencies: N/A

Category: Health and Human Services
Substitute Care Review, State Advisory Committee on

Statutory Reference: Section 32A-8-4 NMSA 1978 (Citizen Substitute Care Review Act).

Organizational Status: Unspecified

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No, but created in response to 1983 federal court consent decree.

Senate Confirmation? No

Funding: General appropriation act line item under the department of finance and administration; statutory per diem and mileage.

Membership: Three people with expertise in the area of substitute care appointed by the secretary of finance and administration and one representative of each local substitute care review board. No person employed by the department [presumably children, youth and families department] or a district court may serve. Department of finance and administration-appointed members serve three-year terms. Committee meets no less than twice annually and at the call of the chair or when the executive committee determines.

Powers and Duties: Section 32A-8-4 NMSA 1978: adopt rules relating to the functions and procedures of local review boards and the state advisory committee, including guidelines for the determination of the appropriate type of review and the information needed for all cases to be monitored by the local boards; review and coordinate activities of local boards; and make recommendations to the department, courts and legislature regarding statutes, policies and procedures related to substitute care.

Section 32A-8-5 NMSA 1978: determine criteria for membership and tenure on local review boards, after consultation with the department of finance and administration and the contractor.

Section 32A-8-6 NMSA 1978: review orders and progress reports on a child prior to judicial review and submit review to the court.

Duplication, Similarity or Connection with Other Agencies: None noted. Elimination of committee may require federal court approval.

Category: Health and Human Services
Telehealth Commission, New Mexico

Statutory Reference: Section 24-1G-4 NMSA 1978 (New Mexico Telehealth Commission Act).

Organizational Status: Administratively attached to the department of health.

Policy or Advisory? Unspecified

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: No; per diem and mileage not statutory.

Membership: No more than 25 members, with one-third appointed from rural areas. Members are chosen from the following categories: health care facilities; health care practitioners; health care workforce educators; telehealth technology experts; telecommunications industry; business community; health care insurance providers or other health care payers; Indian nations, tribes and pueblos; legislators; state agencies responsible for telecommunications, public health, medicaid and social services, workforce development, children's health and social services, services for the elderly and disabled, criminal justice, health policy and planning and education; and other members as the governor may decide. Members are appointed by the governor and serve at the governor's pleasure. The governor designates the chair and vice chair. The commission meets at least once each quarter.

Powers and Duties: Section 24-1G-4 NMSA 1978: Identify how telehealth can be used and implement the state comprehensive health plan; identify barriers to telehealth utilization and expansion; inventory the state's telehealth assets and available infrastructure and examine the financial impact of failing to develop capacities; coordinate public and private sector initiatives to enhance networking, portal development and connectivity and to expand telehealth and telecommunications capacity; establish subcommittees as necessary; identify specific actions to increase collaborative efforts and public-private partnerships; develop and disseminate specific standards and guidelines to ensure quality of care, positive health outcomes, appropriate use of technology and protection of privacy and confidentiality; review and comment on initiatives, projects and grant applications; report annually to the governor and the legislature.

Duplication, Similarity or Connection with Other Agencies: Department of health; health policy commission; UNM health sciences center.

Category: Health and Human Services
Trauma Advisory Committee

Statutory Reference: Section 24-10B-7 NMSA 1978 (Emergency Medical Services Act).

Organizational Status: Subcommittee of the statewide emergency medical services advisory committee.

Policy or Advisory? Unspecified

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: Indirect through the department of health; statutory per diem and mileage to the extent that funds are available.

Membership: Unspecified

Powers and Duties: Unspecified

Duplication, Similarity or Connection with Other Agencies: Emergency medical services has several organizations that deal with various aspects of the field; this is a subcommittee of one of the committees.

Category: Health and Human Services

Trauma System Fund Authority

Statutory Reference: Section 24-10E-4 NMSA 1978 (Trauma System Fund Authority Act).

Organizational Status: Administratively attached to the department of health.

Policy or Advisory? Unspecified, but develops criteria and approves applications.

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No; serves at the pleasure of the governor.

Funding: No direct appropriation; per diem and mileage not statutory.

Membership: At least nine members appointed by the governor, including the secretary of health or the secretary's designee, representation from the medical specialty of trauma physicians, at least one member of a statewide organization representing physicians, at least one member representing emergency and trauma nursing practice, at least one member of a statewide organization representing hospitals and health systems, at least one member of a statewide organization representing injury prevention, the chair of the statewide emergency medical services advisory committee, the chair of the trauma advisory committee and at least one member of a statewide organization representing rehabilitation services. Members elect the officers; the authority meets regularly at the call of the chair.

Powers and Duties: Section 24-10E-5 NMSA 1978: develop criteria for the distribution of money to trauma centers; receive applications and determine and monitor the distribution of money from the fund; oversee the department's administration of the fund and the development of a trauma system; report annually to the legislative health and human services committee and the legislative finance committee.

Duplication, Similarity or Connection with Other Agencies: The department of health.

Category: Health and Human Services
Tribal Infrastructure Board

Statutory Reference: Section 6-29-4 NMSA 1978 (Tribal Infrastructure Act).

Organizational Status: Administratively attached to the Indian affairs department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Funding: Indirect through the Indian affairs department; statutory per diem and mileage for members appointed by the governor.

Membership: Nine voting and four nonvoting members. Voting members are: the secretary of Indian affairs or designee, who serves as chair; secretary of finance and administration or designee; secretary of health or designee; secretary of environment or designee; director of the New Mexico finance authority (NMFA) or designee; four members with experience with capital projects development or administration from tribes appointed by the governor, including one member of a pueblo, one member of the Jicarilla Apache Nation, one member of the Mescalero Apache Tribe and one member of the Navajo Nation. Nonvoting members are one representative each from the following: the bureau of Indian affairs Albuquerque area office designated by the regional director; the bureau of Indian affairs Navajo area office designated by the regional director; Albuquerque area Indian health services designated by the area director; and Navajo area Indian health services designated by the area director. The board meets at the call of the chair or whenever four voting members request, but not less than twice a year. Terms of gubernatorial appointees are two years.

Powers and Duties: Section 6-29-5 NMSA 1978: adopt rules governing terms, conditions and priorities for providing financial assistance to tribes, including developing application and evaluation procedures and forms and qualifications for applicants and projects; provide financial assistance to tribes for qualified projects; authorize funding for qualified projects, including: (1) planning, designing, constructing, improving, expanding or equipping water and wastewater facilities, major water systems, electrical power lines, communications infrastructure, roads, health infrastructure, emergency response facilities and infrastructure needed to encourage economic development; (2) developing engineering feasibility reports; (3) inspecting the construction of qualified projects; (4) providing special engineering services; (5) completing environmental assessments or archaeological clearances and other surveys; (6) acquiring land, easements or rights of way; and (7) paying the legal costs and fiscal agent fees associated with the development of qualified projects.

Duplication, Similarity or Connection with Other Agencies: Indian affairs department, department of environment, NMFA.

Category: Health and Human Services
Veterans' Advisory Board, New Mexico

Statutory Reference: Section 23-4-1 NMSA 1978.

Organizational Status: Advisory to the department of health and the administrators of the New Mexico state veterans' home and Fort Bayard medical center veterans' unit.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: Indirect through the department of health; per diem and mileage not statutory.

Membership: Nine members as follows: secretary of veterans' services or designee; director of the state benefits division of the general service department; a veteran of World War II; a private nursing home administrator; a registered nurse employed by a public or private nursing home; a veteran of the Korean conflict; a veteran of the Vietnam conflict, a veteran of the Gulf war; and a veteran of the Iraqi freedom conflict. Non-ex-officio members are appointed by the governor for three-year terms.

Powers and Duties: Provide advice to the secretary of health and the administrator of the veterans' home and the Fort Bayard medical center veterans' unit regarding veterans' services.

Duplication, Similarity or Connection with Other Agencies: The department of health; the veterans' services department; the veterans' services advisory board.

Category: Health and Human Services
Women, Commission on the Status of

Statutory Reference: Section 28-3-1 NMSA 1978.

Organizational Status: Administratively attached to the human services department.

Policy or Advisory? Policy

Rulemaking Authority? No

Federal Mandate? No, but it is the designated state agency for United States programs related to the status of women unless otherwise designated.

Senate Confirmation? No

Funding: General appropriation act; statutory per diem and mileage in operating budget.

Membership: Fifteen members, including one member of the human rights commission, appointed by the governor. A majority of the members must be women and no more than eight members may belong to any one political party. Terms are staggered for three years. The governor designates the chair and vice chair. The commission names the director.

Powers and Duties: Section 28-3-2 NMSA 1978: stimulate and encourage study and review of the status of women in the state; act as a clearinghouse for all activities involving the status of women; recommend methods of overcoming discrimination against women in public and private employment; promote methods for enabling women to develop their skills, continue their education and be retrained; cooperate with and assist public and private entities dealing with women; and conduct periodic conferences throughout the state to apprise women of their rights and opportunities and to learn from them of their needs and problems and secure recognition of women's accomplishments and contributions to the state.

Section 28-3-3 NMSA 1978: receive gifts, donations or bequests; designated as state agency for handling federal programs related to the status of women unless otherwise designated by law; and enter into agreements and contracts with federal agencies.

Section 28-3-8 NMSA 1978: carry out provisions of the Displaced Homemaker Act.

Duplication, Similarity or Connection with Other Agencies: Human rights division, workforce solutions department and human services department.

Category: Health and Human Services
Women's Health, Office of the Governor's Council on

Statutory Reference: Section 28-3-6.1 NMSA 1978.

Organizational Status: Unspecified; administratively attached to the commission on the status of women.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: Indirect through office or commission on the status of women; per diem and mileage not statutory.

Membership: One representative from the commission on the status of women, department of health, New Mexico health policy commission, children, youth and families department, human services department, Indian affairs department, veterans' services department and office on African American affairs; one representative of providers of women's health services; two representatives from rural counties; and four representatives of advocacy, community or consumer groups. Advisors represent geographic diversity. Advisors serve two-year terms at the pleasure of the governor and meet at least four times per year.

Powers and Duties: Section 28-3-6.1 NMSA 1978: may organize statewide meetings and focus groups to involve members of the public further in improving women's health and to identify emerging issues around women's health care delivery and services.

Duplication, Similarity or Connection with Other Agencies: Office and commission, department of health, New Mexico health policy commission.

Category: Health and Human Services
Youth Alliance

Statutory Reference: Section 9-2A-21 NMSA 1978 (Youth Alliance Act).

Organizational Status: Administratively attached to the children, youth and families department.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: None noted; per diem and mileage of the participants is not statutory.

Membership: Youth aged 14 to 24 from each legislative district, to be recruited through an open process and selected by a panel of other youth alliance members, legislators, government officials and representatives of community-based organizations using clear criteria developed by the department to ensure ethnic and economic diversity. Members serve two-year terms.

Powers and Duties: Section 9-2A-21 NMSA 1978: meet at least four times a year to discuss, from a youth perspective, the assets that exist in communities and schools and the gaps that are present in these systems and to recommend opportunities for problem-solving and collaboration to the governor, lieutenant governor and legislature. Council issues an annual report that summarizes its activities and findings.

Other: Subject to sufficient appropriations, the alliance members engage a diverse group of local peers, solicit their input and launch local projects.

Duplication, Similarity or Connection with Other Agencies: Children, youth and families department; children's cabinet.

Category: Instrumentalities

Exposition Center Authority, New Mexico

Statutory Reference: Section 6-25A-4 NMSA 1978 (New Mexico Exposition Center Authority Act).

Organizational Status: A public body politic and corporate, separate and apart from the state, constituting a governmental instrumentality for the performance of essential public functions.

Other: The legislature oversees the activities of the authority through the New Mexico exposition center authority (not constituted).

The authority is not subject to the supervision or control of any other board, bureau, department or agency of the state except as specifically provided in the New Mexico Exposition Center Authority Act. The use of the terms "state agency" or "instrumentality" in any other law of the state shall not be deemed to refer to the authority unless the authority is specifically referred to in the law. The authority is a qualified, qualifying or eligible entity within the meaning of the New Mexico Finance Authority Act, the Local Economic Development Act and the Statewide Economic Development Finance Act.

The authority is a governmental instrumentality for purposes of the Tort Claims Act.

The authority and its corporate existence shall continue until terminated by law, provided that no termination by law shall take effect so long as the authority has bonds or other obligations outstanding, unless adequate provision has been made for the payment of those obligations. Upon termination of the existence of the authority, all of its rights and properties in excess of its obligations shall pass to and be vested in the state.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes, for public members.

Funding: Not a state agency.

Members are reimbursed for actual and necessary expenses at the same rate and on the same basis as provided for public officers in the Per Diem and Mileage Act.

Membership: Fifteen members, including the secretary of finance and administration, the secretary of economic development, the secretary of tourism, the chair of the state transportation commission, the secretary of transportation, the executive director of the New Mexico finance

authority, the mayor of Albuquerque, the chair of the Bernalillo county board of county commissioners, the mayor of Santa Fe, the chair of the Santa Fe county board of county commissioners, the executive director of the mid-region council of governments and four members who are residents of the state, at least three of whom are nonresidents of Bernalillo or Santa Fe county. Public members are appointed for four-year staggered terms by the governor with the advice and consent of the senate and serve at the governor's pleasure. The governor designates an appointed member as chair. The authority elects annually one of its members to serve as vice chair. The authority may appoint and prescribe the duties of such other officers, who need not be members, including an executive director and a secretary, who may be the same person. The authority may delegate to a member, officer, employee or agent such powers and duties as it deems proper and consistent with the New Mexico Exposition Center Authority Act.

Powers and Duties: Section 6-25A-5 NMSA 1978: do any and all things necessary or convenient to carry out its purposes and exercise the powers given and granted in the New Mexico Exposition Center Authority Act, including to acquire, property, issue bonds and contract other debt.

Duplication, Similarity or Connection with Other Agencies: Other instrumentalities.

Category: Instrumentalities

Finance Authority, New Mexico

Statutory Reference: Section 6-21-4 NMSA 1978 (New Mexico Finance Authority Act).

Organizational Status: A public body politic and corporate, separate and apart from the state, constituting a governmental instrumentality for the performance of essential public functions.

Other: The legislature oversees the activities of the authority through the New Mexico finance authority oversight committee.

The authority is not subject to the supervision or control of any other board, bureau, department or agency of the state except as specifically provided in the New Mexico Finance Authority Act. No use of the terms "state agency" or "instrumentality" in any other law of the state shall be deemed to refer to the authority unless the authority is specifically referred to in the law. The authority is a governmental instrumentality for purposes of the Tort Claims Act.

The authority and its corporate existence shall continue until terminated by law, provided that no such law shall take effect so long as the authority has bonds or other obligations outstanding, unless adequate provision has been made for the payment of such obligations. Upon termination of the existence of the authority, all of its rights and properties in excess of its obligations shall pass to and be vested in the state.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes, for public members.

Funding: Not a state agency. Receives direct distribution from governmental gross receipts tax, cigarette tax and other taxes and funds; intercept of certain state, municipal and county tax distributions; certain tax administration administrative fees; receives special appropriations; earnings from activities;

Members are reimbursed for actual and necessary expenses at the same rate and on the same basis as provided for public officers in the Per Diem and Mileage Act.

Membership: Twelve members as follows: state investment officer; secretaries of finance and administration, economic development, energy, minerals and natural resources and environment; executive directors of the New Mexico municipal league and New Mexico association of counties or their designees; the chief financial officer of a state higher educational institution; and four members who are residents of the state, appointed by the governor for staggered four-

year terms with the advice and consent of the senate. Appointed members shall serve at the pleasure of the governor. Any member of the authority shall be eligible for reappointment. The governor designates an appointed member to serve as chair. The authority elects its vice chair annually. The authority shall appoint and prescribe the duties of such other officers, who need not be members, as the authority deems necessary or advisable, including a chief executive officer and a secretary, who may be the same person. The authority may delegate to one or more of its members, officers, employees or agents such powers and duties as it may deem proper and consistent with the New Mexico Finance Authority Act.

Powers and Duties: Section 6-21-5 NMSA 1978: has all powers necessary and appropriate to carry out and effectuate its public and corporate purposes, including to acquire, construct, hold, improve, grant mortgages of, accept mortgages of, sell, lease, convey or dispose of real and personal property for its public purposes; to acquire, construct or improve real property, buildings and facilities for lease and to pledge rentals and other income received from such leases to the payment of bonds; to make loans, leases and purchase securities and contract to make loans, leases and purchase securities; to make grants to qualified entities to finance public projects; provided that such grants are not made from the public project revolving fund; to procure insurance to secure payment on any loan, lease or purchase payments owed to the authority by a qualified entity in such amounts and from such insurers, including the federal government, as it may deem necessary or desirable and to pay any premiums for such insurance; to fix, revise from time to time, charge and collect fees and other charges in connection with the making of loans, leases and any other services rendered by the authority; to accept, administer, hold and use all funds made available to the authority from any sources; to borrow money and to issue bonds and provide for the rights of the holders of the bonds; to establish and maintain reserve and sinking fund accounts to insure against and have funds available for maintenance of other debt service accounts; to invest and reinvest its funds and to take and hold property as security for the investment of such funds as provided in the New Mexico Finance Authority Act, subject to any agreement with bondholders, to: (1) renegotiate any loan, lease or agreement; (2) consent to any modification of the terms of any loan, lease or agreement; and (3) purchase bonds, which may upon purchase be canceled; and to do any and all things necessary or convenient to carry out its purposes and exercise the powers given and granted in the New Mexico Finance Authority Act.

Other: Section 6-25-6.1 NMSA 1978: in addition to other powers granted to the authority, the authority may form, operate, own or co-own one or more nonprofit or for-profit qualified community development entities for the purpose of participation in the federal new markets tax credit program and, pursuant to participation in the federal new markets tax credit program, may: apply for and obtain one or more allocations of new markets tax credits; market and sell qualified equity investments; make qualified low-income community investments; and take all actions necessary or convenient to carry out the purposes of the qualified community development entity or to participate in the federal new markets tax credit program.

Responsibilities Under Other Acts: Drinking Water State Revolving Loan Fund Act, State Building Bonding Act, Energy Efficiency and Renewable Energy Bonding Act, Statewide

Economic Development Finance Act, Behavioral Health Capital Funding Act, municipal and county bonding purposes, including flood control, PILT and other revenue bonds, Minor League Baseball Stadium Funding Act, Tax Increment for Development Act, Education Technology Equipment Act, Wastewater Facility Construction Loan Act, Rural Infrastructure Act, Solid Waste Act, Local Hospital Gross Receipts Tax Act, Primary Care Capital Funding Act, Child Care Facility Loan Act, Water Project Finance Act.

Funds: Public project revolving fund, wastewater facility construction loan fund, water and wastewater project grant fund, water and wastewater planning fund, rural infrastructure revolving loan fund, solid waste facility grant fund, drinking water state revolving loan fund, local government planning fund, local transportation infrastructure fund; rural county cancer treatment fund, local government transportation fund, metropolitan court bond guarantee fund, state building bonding fund, child care facility revolving loan fund, magistrate and metropolitan court capital fund, law enforcement protection fund, fire protection fund, water project fund, acequia project fund.

Prohibited Acts: Section 6-21-23 NMSA 1978: the authority shall not lend money or make a grant other than to a qualified entity; purchase securities other than from a qualified entity or other than for investment as provided in the New Mexico Finance Authority Act; lease a public project to any entity other than a qualified entity, except that the authority may lease a public project to any entity following termination of a lease of the public project to a qualified entity if leasing the public project to an entity other than a qualified entity is necessary to avoid forfeiture or impairment of the public project or a default on bonds whose payment is secured, in whole or in part, by the public project or by lease rentals from the public project; deal in securities within the meaning of or subject to any securities law, securities exchange law or securities dealers law of the United States or of the state or of any other state or jurisdiction, domestic or foreign, except as authorized in the New Mexico Finance Authority Act; issue bills of credit or accept deposits of money for time on demand deposit or administer trusts or engage in any form or manner, or in the conduct of, any private or commercial banking business, or act as a savings bank or savings and loan association or any other kind of financial institution except as authorized in the New Mexico Finance Authority Act; engage in any form of private or commercial banking business except as authorized in the New Mexico Finance Authority Act; lend money, issue bonds, including public-private partnership project bonds, or make a grant for the promotion of gaming or a gaming enterprise or for development of infrastructure for a gaming facility; or after December 31, 2005, except in case of an emergency, accept an application for financial assistance from a municipality, county or other covered entity for a water or wastewater project unless it is submitted with a water conservation plan or a water conservation plan is on file with the state engineer in accordance with the provisions of Section 72-14-3.2 NMSA 1978.

Duplication, Similarity or Connection with Other Agencies: Other instrumentalities such as New Mexico mortgage finance authority, New Mexico exposition center authority, New Mexico hospital equipment loan council.

Category: Instrumentalities

Historic Landscape Trust, Board of Trustees of the

Statutory Reference: Section 18-13-4 NMSA 1978 (Historic Landscape Act).

Organizational Status: Unspecified; created as "public nonprofit corporation" with articles of incorporation and bylaws, but funds are deposited in the state treasury and members are allowed per diem and mileage.

Policy or Advisory? Unspecified

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: Unspecified – law allows the initial board to seek private and public funding. Statutory per diem and mileage and organizational expenses are allowed from the trust fund.

Membership: The initial board shall consist of two licensed landscape architects, one attorney, one certified public accountant, three residents with demonstrated interest and knowledge about historic landscapes, two residents who are active members of garden clubs, and the secretaries of cultural affairs and tourism or their designees. The law does not specify who appoints the board, but the governor appoints vacancies on the initial board. The term of the initial board is for two years; after that, the board is selected in accordance with the articles of incorporation and bylaws of the trust.

Powers and Duties: Section 18-13-5 NMSA 1978: prepare and file articles of incorporation that states as the purpose of the trust the preservation of significant historic landscapes; identification of sites deserving of inclusion in the system; and development of an historic landscape system.

Section 18-13-6 NMSA 1978: the board shall employ an executive director and specify his duties.

Section 18-13-7 NMSA 1978: the board shall seek private and public funding for the trust.

Duplication, Similarity or Connection with Other Agencies: The historic preservation division and the cultural properties review committee.

Category: Instrumentalities

Hospital Equipment Loan Council, New Mexico

Statutory Reference: Section 58-23-5 NMSA 1978 (Hospital Equipment Loan Act).

Organizational Status: A public body politic and corporate, separate and apart from the state, constituting a governmental instrumentality for the performance of essential public functions.

The council is not subject to the supervision or control of any board, bureau, department or agency of the state except as specifically provided in the act. To effectuate the separation of the state from the council, no use of the terms "state agency" or "instrumentality" in any other law of the state shall be deemed to refer to the council unless the council is specifically referred to, except that the council is a state agency and instrumentality for the purposes of Article 8, Section 3 of the constitution of New Mexico.

Other: All property acquired or held by the council under the Hospital Equipment Loan Act, income from such property and bonds issued under the act, plus the interest payable and income derived from the bonds, are exempt from taxation by the state or any subdivision of the state. Upon dissolution of the council, its assets, after payment of its indebtedness, shall inure to the benefit of the state. All health-related equipment purchased, acquired, leased, financed or refinanced with the proceeds of bonds is exempt from property taxation for as long as the participating health facility remains liable for any amount under any lease, loan or other agreement securing the bonds, but not to exceed 30 years from the date the bonds were issued for the health-related equipment.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes

Funding: Not a state agency.

Members receive reimbursement for actual and necessary expenses at the same rate and basis as provided in the Per Diem and Mileage Act.

Membership: Five members appointed by the governor with the advice and consent of the senate. Members must be residents of the state and, in addition, two members shall be officers or directors of financial institutions located in New Mexico; two members shall be officers or directors of a health facility located in New Mexico and who have been employed for a total of five years as officers or directors of any health facility; one member shall be appointed from and represent the public and shall not be directly or indirectly affiliated with any health facility; and

no more than three members shall be of the same political party. Members serve staggered four-year terms. Members may be removed for misfeasance, malfeasance or willful neglect of duty. The board meets at least annually and may meet more often as required.

Powers and Duties: Section 58-23-11 NMSA 1978: all powers necessary and appropriate to carry out and effectuate its public and corporate purposes, including to provide health-related equipment to participating health facilities; to lease as lessor health-related equipment; to sell for installment payments or otherwise, to option or contract for sale and to convey all or any part of health-related equipment; to make contracts and incur liabilities, borrow money at such rates of interest as the council may determine, issue its bonds in accordance with the provisions of the act and secure any of its bonds or obligations by mortgage or pledge of all or any of its property, franchises and income or as otherwise provided in the act; to make secured or unsecured loans for the purpose of providing temporary or permanent financing or refinancing for the cost of health-related equipment, including the retiring of any outstanding obligations or advances issued and the reimbursement for the cost of any health-related equipment purchased within 12 months immediately preceding the date of the bond issue, made or given by any participating health facility for the cost of health-related equipment and to charge and collect interest on such loans for such loan payments and upon such terms and conditions as the council may deem advisable and as are not in conflict with the provisions of the act; to purchase, lease or otherwise acquire health-related equipment or any interest therein, as the purposes of the council require; and to sell, convey, mortgage, pledge, assign, lease, exchange, transfer and otherwise dispose of or encumber all or any part of its property and assets.

Section 58-23-13 NMSA 1978: the council is specifically authorized to initiate a program of financing, refinancing or reimbursing the cost of health-related equipment to be operated by participating health facilities.

Duplication, Similarity or Connection with Other Agencies: Other instrumentalities.

Category: Instrumentalities

Industrial and Agricultural Finance Authority, New Mexico

Statutory Reference: Section 58-24-4 NMSA 1978 (Industrial and Agricultural Finance Authority Act).

Organizational Status: A public body politic and corporate, separate and apart from the state constituting a public instrumentality for the performance of an essential governmental function.

The authority is not subject to the supervision or control of any board, bureau, department or agency of the state except as specifically provided in the Industrial and Agricultural Finance Authority Act.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes, for public members.

Funding: Not a state agency.

Other: This authority has never been constituted.

Membership: Seven members, including the secretary of commerce and industry [superintendent of regulation and licensing], the director of the department of agriculture and the director of the financial institutions division. The governor appoints the other four directors, who shall be residents of the state, at least one of whom shall have a knowledge of industrial and commercial activity in the state and at least one of whom shall have a knowledge of agricultural activity in the state. Public members serve staggered four-year terms and may be reappointed. Public members may be removed by the governor for misfeasance, malfeasance or willful neglect of duty. The governor designates the chair for the member's term. The board elects the vice chair annually.

Powers and Duties: Section 58-24-5 NMSA 1978: has all the powers necessary or convenient to carry out and effectuate the purposes and provisions of the Industrial and Agricultural Finance Authority Act, including to acquire property, issue bonds and contract other debt.

Section 58-24-10 NMSA 1978: all projects and facilities are subject to any applicable master plan, official map, zoning regulation, building code, ordinance and other laws and regulations governing land use or planning or construction of the municipality or county in which the project or facility is or is to be located.

Duplication, Similarity or Connection with Other Agencies: Other instrumentalities.

Category: Instrumentalities

Lottery Authority, New Mexico

Statutory Reference: Section 6-24-5 NMSA 1978 (New Mexico Lottery Act).

Organizational Status: A public body, politic and corporate, separate and apart from the state, constituting a governmental instrumentality for the purpose of establishing and conducting the New Mexico state lottery to provide revenues for the public purposes designated by the New Mexico Lottery Act.

The legislature oversees the authority through the legislative finance committee.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes

Funding: Not a general fund agency. Members are paid expenses incurred in the conduct of authority business as allowed and approved by the authority in accordance with policies adopted by the board.

Membership: Seven members who are residents of New Mexico appointed by the governor with the advice and consent of the senate who are prominent persons in their businesses or professions and shall be appointed so as to provide equitable geographical representation. No more than four members of the board shall be from any one political party. The governor shall consider appointing at least one member who has at least five years' experience as a law enforcement officer, at least one member who is an attorney admitted to practice in New Mexico and at least one member who is a certified public accountant certified in New Mexico. Members serve staggered five-year terms and are eligible for reappointment. The board selects the chair annually and the chair may be selected for successive years. Members may be removed by the governor for malfeasance, misfeasance or willful neglect of duty.

Powers and Duties: Section 6-24-6 NMSA 1978: the authority has all powers necessary or convenient to carry out and effectuate the purposes and provisions of the act that are not in conflict with the constitution of New Mexico and that are generally exercised by corporations engaged in entrepreneurial pursuits, including hold copyrights, trademarks and service marks and enforce its rights with respect thereto; initiate, supervise and administer the operation of the lottery in accordance with the provisions of the act and its rules, policies and procedures; enter into written agreements or contracts for the operation, participation in or marketing or promotion of a joint lottery or joint lottery games with operators of a lottery: in one or more other states, in a territory of the United States, in one or more political subdivisions of another state or territory of the United States, in a sovereign nation or in an Indian nation, tribe or pueblo located within

the United States or legally operated outside of the United States; incur debt and borrow money; appoint and prescribe the duties of officers, agents and employees of the authority, including professional and administrative staff and personnel, and fix their compensation, pay their expenses and provide a benefit program, including a retirement plan and a group insurance plan; select and contract with lottery vendors and lottery retailers; enter into contracts or agreements with state, local or federal law enforcement agencies or private investigators or other persons for the performance of law enforcement, background investigations and security checks; establish and maintain banking relationships, including establishment of checking and savings accounts and lines of credit; and act as a lottery retailer, conduct promotions that involve the dispensing of lottery tickets and establish and operate a sales facility to sell lottery tickets and any related merchandise. In addition, the authority board provides the authority with the private-sector perspective of a large marketing enterprise and shall make every effort to exercise sound and prudent business judgment in its management and promotion of the lottery. It is the duty of the board to: adopt all rules, policies and procedures for the establishment and operation of the lottery; maximize the revenue for the public purposes of the act; appoint a chief executive officer, prescribe the chief executive officer's qualifications, duties and salary and set the salaries of the other officers and employees of the authority; approve, disapprove, amend or modify the annual budget recommended by the chief executive officer for the operation of the authority; approve or disapprove all procurements over \$75,000; supervise the chief executive officer and the other officers and employees of the authority and meet with the chief executive officer at least once every three months to make and consider recommendations, set policies, determine types and forms of lottery games to be operated by the lottery and transact other necessary business; conduct, with the chief executive officer, a continuing study of the lottery and other state lotteries to improve the efficiency, profitability and security of the authority and the lottery; prepare quarterly and annual reports and maintain records as required under the act; pursue other matters necessary, desirable or convenient for the efficient and effective operation of lottery games, the continued entertainment and convenience of the public and the integrity of the lottery; and support problem gambling initiatives and provide information to players about where to obtain problem gambling assistance in New Mexico.

Other: The board has subpoena power.

Duplication, Similarity or Connection with Other Agencies: Other instrumentalities.

Category: Instrumentalities

Mortgage Finance Authority, New Mexico

Statutory Reference: Section 58-18-4 NMSA 1978 (Mortgage Finance Authority Act).

Organizational Status: A public body politic and corporate, separate and apart from the state, constituting a governmental instrumentality for the performance of essential public functions

Other: The legislature oversees the activities of the authority through the Mortgage Finance Authority Act oversight committee.

The authority is not subject to the supervision or control of a board, bureau, department or agency of the state except as specifically provided in the Mortgage Finance Authority Act. To effectuate the separation of the state from the authority, the use of the terms "state agency" or "instrumentality" in any other law of the state shall not be deemed to refer to the authority unless the authority is specifically named.

The authority and its corporate existence shall continue until terminated by law, provided that no such law shall take effect so long as the authority has bonds or other obligations outstanding, unless adequate provision has been made for the payment of such obligations. Upon termination of the existence of the authority, all its rights and properties in excess of its obligations shall pass to and be vested in the state.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No, although the authority serves as the state housing authority.

Senate Confirmation? Yes, for public members.

Funding: Not a state agency; however, the legislature does appropriate for some authority purposes, notably weatherization and housing, and those appropriations go to the department of finance and administration. The department of finance and administration and the authority have statutory authority to enter into joint powers agreements.

Members, officers and employees are allowed expenses if approved by the authority in accordance with policies adopted by the authority and approved by the Mortgage Finance Authority Act oversight committee.

Membership: Section 58-18-4 NMSA 1978: seven members as follows: lieutenant governor, state treasurer and attorney general as ex-officio members; and four members appointed by the governor with the advice and consent of the senate who are residents of the state and do not hold other public office. Appointed members serve staggered four-year terms and are eligible for reappointment; they may be removed by the governor for misfeasance, malfeasance or willful

neglect of duty. The governor designates the chair, who serves as such for the term of the member. The authority annually elects one of its members as vice chair. The authority also elects or appoints and prescribes the duties of other officers, who need not be members, at the authority, including an executive director and a secretary, who may be the same person. The authority fixes the compensation of officers. Officers and employees of the authority are not subject to the Personnel Act. The authority may delegate to one or more of its members, officers, employees or agents the powers and duties it deems proper.

Powers and Duties: Section 58-18-5 NMSA 1978: has all the powers necessary or convenient to carry out and effectuate the purposes and provisions of the Mortgage Finance Authority Act, including to acquire, hold, improve, mortgage, lease and dispose of real and personal property for its public purposes; to make loans, and contract to make loans, to mortgage lenders; to purchase, and contract to purchase, mortgage loans from mortgage lenders; to fix, revise from time to time, charge and collect fees and other charges in connection with the making of mortgage loans, the purchasing of mortgage loans and any other services rendered by the authority; to borrow money and to issue bonds and notes that may be negotiable and to provide for the rights of the holders thereof; subject to any agreement with bondholders or noteholders, to invest money of the authority not required for immediate use, including proceeds from the sale of any bonds or notes: (1) in obligations of any municipality or the state or the U.S.; (2) in obligations the principal and interest of which are guaranteed by the state or the U.S.; (3) in obligations of any corporation wholly owned by the U.S.; (4) in obligations of any corporation sponsored by the U.S. that are or may become eligible as collateral for advances to member banks as determined by the board of governors of the federal reserve system; (5) in certificates of deposit or time deposits in banks qualified to do business in New Mexico, secured in the manner, if any, as the authority shall determine; (6) in contracts for the purchase and sale of obligations of the types specified in this subsection; or (7) as otherwise provided in any trust indenture or a resolution authorizing the issuance of the bonds or notes; to act as trustee and administer the land title trust fund created pursuant to Section 58-28-3 NMSA 1978; to act as trustee and administrator pursuant to the Low-Income Housing Trust Act; to act as trustee and statewide administrator of the New Mexico housing trust fund pursuant to and to receive funds under the New Mexico Housing Trust Fund Act; and to act as a governmental entity or a qualifying grantee or as an intermediary for a governmental entity or a qualifying grantee pursuant to the Affordable Housing Act.

Section 58-18-5.5 NMSA 1978: The authority is designated as the state housing authority for all purposes. It shall make application for federal housing funds and programs; administer federal and state housing programs and federal tax credit provisions associated with those programs; receive and expend funds pursuant to applicable federal housing laws, federal housing regulations, the provisions of the Mortgage Finance Authority Act and regulations adopted pursuant to that act; administer the following housing programs that were previously transferred to it by executive order, the provisions of which are ratified: (1) the federal HOME program; (2) the federal low-income housing tax credit program; (3) the federal emergency shelter grant programs; (4) the state homeless program; (5) the federal and state weatherization programs and that part of the low-income home energy assistance program authorized for weatherization; and (6) the state safe water program. The authority assists with technical consultation in connection with housing components of the community service block grant and

community development block grant programs that are administered by the human services department and the department of finance and administration, respectively; and shall not receive direct appropriations of state funds from the legislature, and, if a program for which the authority is granted the power and has the duty to administer involves the appropriation or expenditure of state funds, the authority is granted specific power to enter into a joint powers agreement with the department of finance and administration pursuant to the Joint Powers Agreements Act.

Section 58-18-5.6 NMSA 1978: The authority must appoint a representative to both the behavioral health planning council and the interagency behavioral health purchasing collaborative; and ensure that any behavioral health services, including mental health and substance abuse services, and any housing provided for consumers of those services that are provided, contracted for or approved by the authority are in compliance with requirements of Section 9-7-6.4 NMSA 1978.

Duplication, Similarity or Connection with Other Agencies: Other instrumentalities, regional housing authorities.

Category: Instrumentalities

Renewable Energy Transmission Authority, New Mexico

Statutory Reference: Section 62-16A-3 NMSA 1978 (New Mexico Renewable Energy Transmission Authority Act).

Organizational Status: A public body, politic and corporate, separate and apart from the state, constituting a governmental instrumentality for the performance of essential public functions.

The legislature oversees the authority through the New Mexico finance authority oversight committee.

Other: The authority is not subject to the supervision or control of any other board, bureau, department or agency of the state except as specifically provided in the act. No use of the terms "state agency" or "instrumentality" in any other law of the state shall be deemed to refer to the authority unless the authority is specifically referred to in the law. The authority is a governmental instrumentality for purposes of the Tort Claims Act.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes, for public members appointed by the governor.

Funding: Not a state agency.

Public members shall be reimbursed for actual and necessary expenses at the same rate and on the same basis as provided for public officers in the Per Diem and Mileage Act.

Membership: Seven members as follows: three members appointed by the governor with the advice and consent of the senate for three-year staggered terms; the state investment officer or designee; the state treasurer or designee; one member appointed by the speaker of the house of representatives who serves at the pleasure of the speaker; and one member appointed by the president pro tempore of the senate who serves at the pleasure of the president pro tempore. The qualifications of the appointed members shall be as follows: one member appointed by the governor shall have expertise in financial matters involving the financing of major electrical transmission projects; the other four appointed members shall have special knowledge of the public utility industry, as evidenced by college degrees or by experience, at least five years of which must be with the public utility industry; and knowledge of renewable energy development. No member shall represent a person that owns or operates facilities. The members initially appointed by the speaker and the president pro tempore serve staggered four-year terms. The secretary of energy, minerals and natural resources serves as an ex-officio nonvoting member of the authority. The governor designates the chair and the authority elects other officers annually.

The authority meets at the call of the chair or whenever four members request in writing. A majority of members then serving constitutes a quorum for the transaction of business, but the affirmative vote of at least four members is necessary for any action to be taken by the authority.

Powers and Duties: Section 62-16A-4 NMSA 1978: do any and all things necessary or proper to accomplish the purposes of the New Mexico Renewable Energy Transmission Authority Act. The authority may finance or plan, acquire, maintain and operate eligible facilities necessary or useful for the accomplishment of the purposes of the New Mexico Renewable Energy Transmission Authority Act; pursuant to the provisions of the Eminent Domain Code, exercise the power of eminent domain for acquiring property or rights of way for public use if needed for projects if such action does not involve taking utility property or does not materially diminish electric service reliability of the transmission system in New Mexico, as determined by the public regulation commission; issue bonds; enter into contracts for the lease and operation by the authority of eligible facilities owned by a public utility or other private person; enter into contracts for leasing eligible facilities owned by the authority, provided that any revenue derived pursuant to the lease shall be deposited in the renewable energy transmission bonding fund; collect payments of reasonable rates, fees, interest or other charges from persons using eligible facilities to finance eligible facilities and for other services rendered by the authority, provided that any revenue derived from payments made to the authority shall be deposited in the renewable energy transmission bonding fund; and borrow money necessary to carry out the purposes of the New Mexico Renewable Energy Transmission Authority Act and mortgage and pledge any leases, loans or contracts executed and delivered by the authority. Except as otherwise provided, the authority shall not enter into any project if public utilities or other private persons are performing the acts, are constructing or have constructed the facilities, or are providing the services contemplated by the authority, and are willing to provide funds for and own new infrastructure to meet an identified need and market.

Other: The authority has eminent domain power.

The authority and any eligible facilities acquired by the authority are not subject to the supervision, regulation, control or jurisdiction of the public regulation commission; provided that nothing in this subsection shall be interpreted to allow a public utility to include the cost of using eligible facilities in its rate base without the approval of the public regulation commission.

The authority shall not own or control facilities unless: (1) the facilities are leased to or held for lease or sale to a public utility or such other person approved by the public regulation commission; (2) the operation, maintenance and use of the facilities are vested by lease or other contract in a public utility or such other person approved by the public regulation commission; (3) the facilities are owned or controlled for a period of not more than 180 days after termination of a lease or contract or after the authority gains possession of the facilities following a breach of such a lease or contract or as a result of bankruptcy proceedings; or (4) the facilities do not affect in-state retail rates or electric service reliability.

Duplication, Similarity or Connection with Other Agencies: Other instrumentalities.

Category: Military Affairs

Armory Board, State

Statutory Reference: Section 20-8-1 NMSA 1978.

Organizational Status: Unclear. Section 20-3-2 NMSA 1978 provides that the board is a subordinate support agency of the department of military affairs; Section 20-8-1 NMSA 1978 creates the board as a body corporate. The general appropriation act has the board as a separate agency.

Policy or Advisory? Policy, board has the power to expend money.

Rulemaking Authority? Unspecified; adjutant general prescribes and issues rules that the adjutant general and the board deem appropriate for operations of the armories and for the exercise of powers.

Federal Mandate? None reported.

Senate Confirmation? No

Funding: General appropriation act; statutory per diem and mileage.

Membership: Adjutant general is chair; director of state programs office of department of military affairs is executive director; one commissioned officer of the army national guard; command sergeant major of the army national guard; and three members-at-large who are not members of the national guard. Adjutant general makes discretionary appointments, with concurrence of the governor, for two-year terms.

Powers and Duties: Section 20-8-3 NMSA 1978: act on behalf of the state in the exercise of its powers and duties; hold title to armories on behalf of the state; employ personnel; have control and supervision over the acquisition, construction, replacement, repair, alteration, improvement, furnishing, equipping, maintenance and operation of all armories and all money for those purposes; acquire property for military purposes; disregard requirements of Sections 13-6-3, 15-3-20 and 15-3-23 NMSA 1978; borrow money; enter into contracts; sell or exchange armory property or donate it to the state, county or municipality; guide, direct and supervise local armory boards, the armory board council and the state armory board fund; delegate power to local armory boards; regulate and audit armory rentals; submit an annual report to the governor; and meet quarterly or at the call of the adjutant general.

Section 20-8-6 NMSA 1978: the board may issue bonds.

Duplication, Similarity or Connection with Other Agencies: The department of military affairs.

Category: Military Affairs

Armory Board Council

Statutory Reference: Section 20-8-2 NMSA 1978 (definition section).

Organizational Status: Unspecified

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? None reported.

Senate Confirmation? No

Funding: No direct appropriation; per diem and mileage not statutory.

Membership: Chairs of all local armory boards and members of state armory board; chaired by adjutant general; convened semiannually by call of state armory board.

Powers and Duties: Section 20-8-2 NMSA 1978: aids and advises the state armory board in the formation of its rules and policies.

Duplication, Similarity or Connection with Other Agencies: State armory board; department of military affairs.

Category: Military Affairs

Awards Boards

Statutory Reference: Section 20-10-2 NMSA 1978.

Organizational Status: Unspecified

Policy or Advisory? Unspecified; presumably advisory.

Rulemaking Authority? No

Federal Mandate? None reported.

Senate Confirmation? No

Funding: No

Membership: Members appointed by the adjutant general from the army national guard and the air national guard; meet no less than quarterly.

Other: Functions are performed by military personnel with no per diem and mileage paid by the state.

Powers and Duties: Section 20-10-2 NMSA 1978: review recommendations for state and federal awards and decorations submitted by their respective unit commanders and others.

Duplication, Similarity or Connection with Other Agencies: The adjutant general has the ability to delegate award authority to battalion commanders, group commanders or the equivalent of the national guard for those awards.

Category: Military Affairs

Military Base Planning Commission

Statutory Reference: Section 9-15-49 NMSA 1978.

Organizational Status: Administratively attached to the economic development department; administrative services are provided by the department.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? Yes, for nonstate members.

Funding: Indirect through the department; statutory per diem and mileage.

Membership: Seventeen members, 15 of whom are appointed by the governor with the advice and consent of the senate. Members include the lieutenant governor, the governor's homeland security adviser and appropriate representatives from those counties in which military bases are located or adjoining counties. The governor appoints the chair. The commission meets at the call of the chair, but not less than quarterly. The commission is staffed by the office of military base planning and support.

Other: The commission and office are terminated July 1, 2015 and the statute is repealed July 1, 2016.

The commission may hold meetings that are closed to the public. Certain information developed or obtained by the commission is confidential.

Powers and Duties: Section 9-15-50 NMSA 1978: obtain and evaluate information about the federal government's considerations, plans, policies and initiatives relating to base realignment and closure; obtain and evaluate information relating to the impact of federal military base realignment and closure plans on the state's economy and the military base area's local economy; work with and provide assistance to established community organizations that support long-term viability of the military bases in their areas; ensure collaboration among the community organizations; work with and provide assistance to congressional delegation; and advise the governor on measures necessary to ensure the continued presence of military bases in the state.

Duplication, Similarity or Connection with Other Agencies: Economic development department.

Category: Military Affairs

Veterans Museum, Board of Trustees of the New Mexico

Statutory Reference: Section 18-17-4 NMSA 1978 (Veterans Museum Act).

Organizational Status: Policymaking board for the museum.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes

Funding: Indirect through the cultural affairs department; statutory per diem and mileage for appointed members.

Membership: Eleven voting members who are residents of the state for staggered four-year terms. One voting member is the secretary of veterans' services or the secretary's designee; the other 10 voting members are appointed by the governor with consent of the senate. For those members, the governor must appoint at least three members from each congressional district and give due consideration to the ethnic and geographic diversity of the state. No more than five members shall be from the same political party. At least five members shall be armed forces veterans, one each from the New Mexico national guard; the United States army; the United States navy; the United States air force; and the United States marine corps. The governor designates the president of the board, who serves at the governor's pleasure. An appointed member failing to attend three consecutive meetings after receiving proper notice shall be recommended for removal. The governor may also remove any appointed member of the board for neglect of any duty required by law, for incompetency, for unprofessional conduct or for violating any provisions of the Veterans Museum Act. The secretary of cultural affairs is an ex-officio nonvoting member of the board.

Powers and Duties: Section 18-17-5 NMSA 1978: exercise trusteeship over the collections of the museum; accept and hold title to all property for the museum's use; review annually the performance of the director and report its findings to the secretary; enter into agreements or contracts with private or public organizations, agencies or individuals for the purpose of obtaining real or personal property for the museum's use; authorize the director to solicit and receive funds or property of any nature for the development of the museum, its collections and its programs; adopt rules to carry out the provisions of the act; and establish policy, determine the mission and direct the development of the museum.

Duplication, Similarity or Connection with Other Agencies: Division and department.

Category: Military Affairs

Veterans' Services Advisory Board

(former veterans' service commission)

Statutory Reference: Section 9-22-15 NMSA 1978 (Veterans' Services Department).

Organizational Status: Advisory to veterans' services department.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: Indirect in department's appropriation; statutory per diem and mileage.

Membership: The governor appoints all five members, who must be veterans, from different geographical regions of the state. They serve at the pleasure of the governor.

Powers and Duties: Advise the secretary and department on matters related to veterans.

Duplication, Similarity or Connection with Other Agencies: Veterans' services department.

Category: Professional and Occupational Boards and Commissions
Acupuncture and Oriental Medicine, Board of

Statutory Reference: Section 61-14A-7 NMSA 1978 (Acupuncture and Oriental Medicine Practice Act).

Organizational Status: Administratively attached to the regulation and licensing department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes

Funding: General appropriation act; other state funds = acupuncture and oriental medicine fund; statutory per diem and mileage.

Membership: Seven members appointed by the governor for staggered three-year terms. Four members shall have been doctors of oriental medicine in New Mexico for at least five years and practicing for at least two years prior to their appointment. No more than two members shall be: owners of institutes offering educational programs in acupuncture and oriental medicine; a faculty member at an institute offering educational programs in acupuncture and oriental medicine; a tutor in acupuncture and oriental medicine or an officer or director in a professional association of acupuncture and oriental medicine. Three members shall be appointed to represent the public and shall not have practiced acupuncture or oriental medicine, be the owner, principal or director of an institute offering educational programs in acupuncture or oriental medicine and have no interest in the profession regulated. Members shall not serve more than two consecutive terms. Three consecutive unexcused absences results in automatic recommendation for removal.

Powers and Duties: Section 61-14A-8 NMSA 1978: enforce provisions of the Acupuncture and Oriental Medicine Practice Act; adopt rules; adopt code of ethics; adopt and use seal; inspect institutions, tutorships and offices of licensees; provide for continuing education; employ agents or attorneys; issue investigative subpoenas; administer oaths; take testimony; conduct hearings in regard to discipline of licensees; and grant, deny, renew, suspend or revoke licenses to practice acupuncture or oriental medicine.

Section 61-14A-8.1 NMSA 1978: issue certifications for extended and expanded prescriptive authority.

Section 61-14A-4.1 NMSA 1978: certify auricular detoxification specialists, who practice auricular acupuncture for the treatment of alcoholism, substance abuse or chemical dependency under the supervision of doctors of oriental medicine.

Other powers and duties: establish fees; provide for the examination of applicants.

Other: The board has subpoena power.

Duplication, Similarity or Connection with Other Agencies: Other health-related boards.

Category: Professional and Occupational Boards and Commissions
Animal Sheltering Board

Statutory Reference: Section 77-1B-3 NMSA 1978 (Animal Sheltering Act).

Organizational Status: Administratively attached to the regulation and licensing department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes

Funding: General appropriation act; other state funds = animal care and facility fund; statutory per diem and mileage, plus one annual job-related conference as budget allows.

Membership: Nine members appointed by the governor for staggered four-year terms. Members are: one euthanasia agency employee with training and education in euthanasia; one veterinarian who has provided paid or unpaid services to an animal shelter; one representative from a nonprofit animal advocacy group; one member of the public; a manager or director of a New Mexico facility that provides shelter to animals on a regular basis, provided that the manager or director selected is trained in animal shelter standards; one representative of the New Mexico association of counties; one representative of the New Mexico municipal league; one member of a rescue organization; and one member of the domestic pet breeder community. No more than two board members can be appointed from any one county.

The board holds at least one regular meeting each year and may meet at such other times as it deems necessary. A board member shall not serve more than two full or partial terms, consecutive or otherwise. A board member failing to attend three duly noticed meetings, regular or special, within a 12-month period, without an excuse acceptable to the board, may be removed as a board member. The board shall elect a chair and other officers as it deems necessary to administer its duties. The department shall hire employees to execute the daily operations of the board.

Powers and Duties: Section 77-1B-5 NMSA 1978: provide standards regarding the infrastructure for all animal shelters; provide operating standards for all animal shelters; adopt methods and procedures acceptable for conducting emergency field euthanasia; adopt rules necessary to carry out the provisions of the Animal Sheltering Act; issue licenses and certificates pursuant to the act; establish types of licenses and certificates issued; prescribe standards and approve curricula for educational programs for licensure or certification; implement continuing education requirements; establish fees not to exceed \$150 for licenses and certificates; establish

committees; apply for injunctive relief to enforce provisions of the act; conduct national criminal background checks on applicants seeking licensure or certification; provide for inspection of animal shelters and euthanasia agencies; develop mechanisms to address complaints of misconduct at animal shelters and euthanasia agencies and noncompliance with the act or rules; develop mechanisms to address complaints of licensee and certificate holder misconduct and noncompliance; develop and recommend dog and cat spay and neuter plans and community outreach plans in support of and in conjunction with animal shelters and euthanasia agencies; provide standards for maintaining records concerning health care and disposition of animals; and refer to national animal control association standards in determining its rules.

Duplication, Similarity or Connection with Other Agencies: Board of veterinary medicine.

**Category: Professional and Occupational Boards and Commissions
Architects, Board of Examiners for**

Statutory Reference: Section 61-15-3 NMSA 1978 (Architectural Act).

Organizational Status: Adjunct

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes

Funding: General appropriation act; other state funds = fund of the board of examiners for architects; statutory per diem and mileage.

Membership: Seven members appointed by the governor for staggered three-year terms. The six architect members must have at least 10 years' or more experience in the profession, five years in responsible charge of architectural projects, and be registered as architects in New Mexico for at least five years. One of the six members is in architectural education from an accredited college of architecture. The seventh member represents the public and is not licensed as an architect or have any interest in the occupation. Removal is for cause.

Powers and Duties: Section 61-15-4 NMSA 1978: establish committees to carry out the provisions of the Architectural Act; subpoena witnesses; administer oaths and take testimony; prescribe professional and technical qualifications necessary for the practice of architecture in New Mexico; adopt and use an official seal; promote current architectural knowledge; license applicants; require continuing education as a condition of registration renewal; retain records and issue certificates for registration; deny, review, suspend or revoke a registration to practice architecture; and censure, fine, reprimand and place on probation and stipulation any architect in accordance with the Uniform Licensing Act. The board in cooperation with the state board of licensure for professional engineers and surveyors and the board of landscape architects shall create a joint practice committee.

Section 61-15-5 NMSA 1978: keep records; submit annual report to the governor, a complete statement of the receipts, expenditures and names and addresses of registered architects; set application, registration, renewal, examination and other fees; and may set criteria for training of intern architects.

Other: The board has subpoena power.

Duplication, Similarity or Connection with Other Agencies: Board of landscape architects, state board of licensure for professional engineers and surveyors.

Category: Professional and Occupational Boards and Commissions

Athletic Trainer Practice Board

Statutory Reference: Section 61-14D-7 NMSA 1978 (Athletic Trainer Practice Act).

Organizational Status: Administratively attached to the regulation and licensing department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes

Funding: General appropriation act; other state funds = athletic trainer practice board fund; statutory per diem and mileage.

Membership: Five members appointed by the governor for three-year staggered terms. Members must be United States citizens and have been residents of the state for at least three years prior to their appointment. Three members are licensed athletic trainers; one member is employed by a high school; two members represent the public and have no financial interest in the occupation regulated. One public member is from any area north of interstate 40 and the other is from any area south of interstate 40. Members do not serve more than two consecutive terms. Three unexcused absences result in automatic recommendation for removal.

Powers and Duties: Section 61-14D-8 NMSA 1978: consult with the department in the administration of the act and the board.

Section 61-14D-9 NMSA 1978: the board shall: select and provide for the administration of examinations for licensure no less often than semiannually; establish the passing scores for the examinations; determine eligibility for licensure; set fees for administrative services and licenses; and review license applications and recommend approval or disapproval. The board may adopt rules and a code of ethics; take disciplinary actions; conduct hearings upon charges relating to the discipline of licensees, including the denial, suspension or revocation of licenses; and require and establish criteria for continuing education.

Duplication, Similarity or Connection with Other Agencies: There is also an athletic commission.

**Category: Professional and Occupational Boards and Commissions
Barbers and Cosmetologists, Board of**

Statutory Reference: Section 61-17A-6 NMSA 1978 (Barbers and Cosmetologists Act).

Organizational Status: Administratively attached to the regulation and licensing department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes

Funding: General appropriation act; other state funds = barbers and cosmetologists fund; statutory per diem and mileage.

Membership: Nine members, five shall be licensed pursuant to the Barbers and Cosmetologists Act and must have at least five years' practical experience in their respective occupations. Of those five, two members are licensed barbers, two members are licensed cosmetologists and one member represents school owners. Two members are licensed body artists pursuant to the Body Art Safe Practices Act and must have at least five years' practical experience in their occupation. The remaining two members shall be public members. Neither the public members nor their spouses shall have ever been licensed pursuant to the provisions of the Barbers and Cosmetologists Act, the Body Art Safe Practices Act or similar prior legislation or have a financial interest in a school or establishment. Members serve not more than two consecutive terms. Three unexcused absences result in recommendation for removal.

Powers and Duties: Section 61-17A-7 NMSA 1978: adopt and file rules to carry out the provisions of the Barbers and Cosmetologists Act and the Body Art Safe Practices Act; adopt a seal; establish fees; inspect schools and establishments; establish administrative penalties and fines; furnish copies of rules and sanitary requirements; license barbers, cosmetologists, manicurist-pedicurists, estheticians, electrologists, instructors, schools, enterprises and establishments; provide a register of applicants for licensure, examination and license renewal; create and establish standards and fees for special licenses; establish continuing education requirements; establish guidelines for schools to calculate tuition refunds for withdrawing students; and keep a record of its proceedings.

Other powers and duties: Body Art Safe Practices Act, Sections 61-17B-1 through 61-17B-14 NMSA 1978, issue body art licenses and regulate practice.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: Professional and Occupational Boards and Commissions
Chiropractic Board

Statutory Reference: Section 61-4-3 NMSA 1978 (Chiropractic Physician Practice Act).

Organizational Status: Administratively attached to the regulation and licensing department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes

Funding: General appropriation act; other state funds = chiropractic fund; statutory per diem and mileage.

Membership: Six members appointed by the governor for staggered five-year terms. Four members have been engaged in chiropractic in New Mexico for at least five years. Two members represent the public and have not practiced chiropractic in any jurisdiction and have no interest in any school or college of chiropractic, medicine, surgery or osteopathy. Missing three consecutive meetings, either regular or special, results in automatic removal.

Powers and Duties: Section 61-4-3 NMSA 1978: adopt a seal; promulgate rules to implement and enforce the Chiropractic Physician Practice Act, including educational requirements for a chiropractic assistant; adopt a seal; hold semiannual examinations; and require continuing education.

Section 61-4-9.1 NMSA 1978: establish the advanced practice certification registry.

Other: Issue licenses without examination; and refuse, suspend or revoke licenses.

Duplication, Similarity or Connection with Other Agencies: Other health-related boards.

**Category: Professional and Occupational Boards and Commissions
Counseling and Therapy Practice Board**

Statutory Reference: Section 61-9A-7 NMSA 1978 (Counseling and Therapy Practice Act).

Organizational Status: Administratively attached to regulation and licensing department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes

Funding: General appropriation act; other state funds = counseling and therapy practice board fund; statutory per diem and mileage.

Membership: Nine members appointed by the governor for staggered four-year terms. Five members are professional members: a mental health counselor, a professional clinical mental health counselor, a marriage and family therapist, a professional art therapist and an alcohol and drug abuse counselor, licensed under the Counseling and Therapy Practice Act, and who have engaged in a counselor and therapist practice for at least five years. Four members represent the public and not have been licensed or have practiced as counselors or therapist practitioners or in any other regulated mental health profession, nor have interest in the professions regulated. All members shall be residents of New Mexico for at least five years. Members shall not serve more than two terms.

Powers and Duties: Section 61-9A-9 NMSA 1978: adopt rules to implement the Counseling and Therapy Practice Act; provide for semiannual examinations; establish passing scores; take disciplinary actions; require continuing education; resolve complaints; approve supervision and post-graduate experience; determine eligibility for licensure; set fees; establish criteria for supervision and supervisory requirements; establish a code of conduct; and establish standards and other committees.

Other: Licenses/registrations for mental health counselors, marriage and family therapists, professional art therapists, substance abuse interns and alcohol and drug abuse counselors.

Duplication, Similarity or Connection with Other Agencies: Board of psychologist examiners.

Category: Professional and Occupational Boards and Commissions
Dental Health Care, New Mexico Board of

Statutory Reference: Section 61-5A-8 NMSA 1978 (Dental Health Care Act).

Organizational Status: Administratively attached to the licensing and regulation department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes

Funding: General appropriation act; other state funds = board of dental health care fund; statutory per diem and mileage. Secretary-treasurer may be compensated at the discretion of the board.

Membership: Nine members to include: five dentists who are actively practicing in the state and have been licensed and practicing in the state for five years immediately prior to their appointments; two dental hygienists elected annually by those sitting on the committee; and two public members who are state residents and have no direct or indirect financial interest in the professions regulated by the act. The governor may appoint dentists from a list of names submitted by the New Mexico dental association, and there is one dentist from each dental and dental hygiene district. No more than one member may be employed or receive remuneration from a dental or dental hygiene educational institution. Members serve staggered five-year terms and serve until their successors have been appointed. Members are automatically removed for failing to attend three regular or special board or dental hygienists committee meetings unless excused for good cause. Members may not serve more than two full terms. The board is required to meet at least four times annually, and no more than two meetings are public rules hearings. A simple majority constitutes a quorum, provided that at least two members are not dentists and three are dentists. Board officers are elected annually.

Other: Members not sitting on the dental hygienists committee are not required at or allowed to attend committee disciplinary hearings.

Powers and Duties: Section 61-5A-10 NMSA 1978: enforce and administer the Dental Health Care Act; adopt rules to regulate and license dentists and, through the dental hygienists committee, dental hygienists; examine and certify dental assistants; regulate dental technicians; regulate the practice of dentistry, dental assisting and dental hygiene; regulate and license non-dentist owners; adopt seal; administer oaths; keep records of meetings, receipts and

disbursements; grant, deny, review, suspend and revoke licenses and certificates to practice; censure, reprimand, fine and place on probation license and certificate holders; maintain records of all licensees; make available composite reports of demographic, but not personal, data of licensees; hire staff as necessary; issue subpoenas; establish ad hoc committees as necessary; pay per diem and mileage to ad hoc committees if deemed necessary; hire or contract with investigators as needed; hire an attorney; and establish continuing education or competency requirements for license and certificate holders.

Section 61-5A-11 NMSA 1978: require the board to ratify recommendations of the dental hygienists committee unless the board specifically finds that a recommendation is beyond the committee's jurisdiction, an undue financial impact on the board or not supported by the record. The board is required to provide necessary expenditures incurred by the committee and the board in implementing ratified recommendations.

Section 61-5A-22 NMSA 1978: establish rules for administration of nitrous oxide analgesia, conscious sedation, deep sedation and general anesthesia for dentists.

Section 61-5A-24 NMSA 1978: may enjoin any individual from the unlicensed practice of dentistry.

Section 61-5B-4 NMSA 1978: authorize the board to examine a dentist about whom the board has reasonable cause to believe is impaired according to the Impaired Dentists and Dental Hygienists Act and to deal with that dentist in accordance with the act.

Other: Section 61-5A-25 NMSA 1978: protects members of the board or any ad hoc committees from liability, civil damages, or criminal prosecution for any actions undertaken or performed within the proper functions of the board.

Duplication, Similarity or Connection with Other Agencies: The New Mexico dental hygienists committee; other health-related boards.

**Category: Professional and Occupational Boards and Commissions
Dental Hygienists Committee, New Mexico**

Statutory Reference: Section 61-5A-9 NMSA 1978 (Dental Health Care Act).

Organizational Status: Administratively attached to the regulation and licensing department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes

Funding: General appropriation act; other state funds = board of dental health care fund; statutory per diem and mileage.

Membership: Nine members to include: five dental hygienists, who are actively practicing in the state and have been licensed and practicing in the state for five years immediately prior to their appointments; and two dentists and two public members who are elected annually by those sitting on the committee. The governor may appoint dental hygienists from a list of names submitted by the New Mexico dental hygienists association and there shall be one dental hygienist from each dental and dental hygiene district. No more than one member may be employed or receive remuneration from a dental or dental hygiene educational institution. Members serve staggered five-year terms and until their successors have been appointed. Members are automatically removed for failing to attend three regular or special board or dental hygienists committee meetings unless excused for good cause. Members may not serve more than two full terms. The board is required to meet at least four times annually; and no more than two meetings shall be public rules hearings. A simple majority constitutes a quorum, provided that at least two members are not dental hygienists and three are dental hygienists. Committee officers are elected annually.

Powers and Duties: Section 61-5A-10 NMSA 1978: enforce and administer Dental Health Care Act; adopt rules to regulate and license dental hygienists; regulate the practice of dental hygiene; adopt a seal; administer oaths; issue subpoenas; keep records of meetings, receipts and disbursements; grant, deny, review, suspend and revoke licenses of dental hygienists to practice; censure, reprimand, fine and place on probation licensed dental hygienists; maintain records of all licensees; establish ad hoc committees as necessary; pay per diem and mileage to an ad hoc committee if deemed necessary; hire or contract with investigators as needed; hire an attorney; and establish continuing education or competency requirements for dental hygienists.

Section 61-5A-24 NMSA: may enjoin any individual from the unlicensed practice of dental hygiene.

Section 61-5B-4 NMSA 1978: authorize the committee to examine a dental hygienist about whom the committee has reasonable cause to believe is impaired according to the Impaired Dentists and Dental Hygienists Act and to deal with that dental hygienist in accordance with the act.

Other: Section 61-5A-25 NMSA 1978: protects members of the committee or any ad hoc committees from liability, civil damages or criminal prosecution for any actions undertaken or performed within the proper functions of the committee.

Duplication, Similarity or Connection with Other Agencies: The New Mexico board of dental health care; other health-related boards.

Category: Professional and Occupational Boards and Commissions
Engineers and Professional Surveyors, State Board of Licensure for Professional

Statutory Reference: Section 61-23-5 NMSA 1978 (Engineering and Surveying Practice Act).

Organizational Status: Adjunct

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes

Funding: General appropriation act; other state funds = professional engineers' and surveyors' fund; statutory per diem and mileage.

Membership: Five licensed professional engineers, at least one of whom is in engineering education; three licensed professional surveyors; and two public members appointed by the governor for staggered five-year terms. Professional members have been engaged in the lawful practice of engineering or surveying for at least 10 years, including responsible charge of engineering and surveying projects for at least five years and licensed in New Mexico. The engineering members may also be engaged in engineering education for at least 10 years, including responsible charge of engineering education for at least five years. The public members shall not have been licensed nor be qualified for licensure as an engineer, surveyor, architect or landscape architect and have no interest in the professions regulated. Removal is for misconduct, incompetency, neglect of duty, malfeasance in office or any reason prescribed by law for removal of state officials. Members are not reappointed for at least two years after serving two consecutive terms. Missing three consecutive meetings results in automatic removal.

Other: The board may appoint a provisional member if governor does not fill a vacancy within three months.

An engineering committee and a surveying committee are entrusted to implement all business of the act as it pertains to engineering or surveying. In the event of a lack of a quorum and at the request of a committee, other board members may be substituted for a nonattending member. Committee actions shall be reported to the board.

A joint engineering and surveying standing committee of the board composed of two members from the professional engineering committee, the public member and the chair and two

members from the professional surveying committee, the public member and the chairperson that has exclusive authority over practice disputes between engineers and surveyors to determine if any proposed rules of professional responsibility are exclusive to one of the practices.

Powers and Duties: Section 61-23-10 NMSA 1978: administer the Engineering and Surveying Practice Act; promulgate rules of procedures and rules of professional responsibility that are not exclusive to either professional engineers or professional surveyors; issue subpoenas in disciplinary action against a licensee or a person practicing or offering to practice without licensure; administer oaths or affirmations; create enforcement advisory committees; and create a joint standing committee in conjunction with the board of examiners for architects and the board of landscape architects. The board is the sole state agency with power to certify the qualifications of professional engineers and professional surveyors. The board promulgates rules of professional responsibility that are not exclusive to either practice.

Each professional committee promulgates rules of professional responsibility that are exclusive to the respective profession. The joint engineering and surveying standing committee has exclusive authority over practice disputes. A determination of exclusive practice requires an affirmative vote by no fewer than three members of the joint committee.

Other: The board has subpoena power.

Duplication, Similarity or Connection with Other Agencies: The board of examiners for architects and board of landscape architects. The board itself may be duplicative of the engineering and surveying committees and standing committee.

Category: Professional and Occupational Boards and Commissions
Hoisting Operators Licensure Examining Council

Statutory Reference: Section 60-15-14 NMSA 1978 (Hoisting Operators Safety Act).

Organizational Status: Unspecified; council appointed by superintendent of regulation and licensing.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: No direct appropriation; per diem and mileage not statutory.

Membership: Variable. No fewer than three members appointed by the superintendent: one class I hoisting operator, one contractor (as defined by Section 60-13-3 NMSA 1978) who employs one or more hoisting operators, and other members.

Powers and Duties: Section 60-15-14 NMSA 1978: review and approve applications, qualifications and examinations of applicants for licensure as hoisting operators and recommend to the superintendent whether licensure should be granted based on an evaluation of the operating experience and competence of the applicants; report findings and recommendations from the hearings to the superintendent; and proceed according to rules adopted by the department.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: Professional and Occupational Boards and Commissions
Interior Design Board

Statutory Reference: Section 61-24C-4 NMSA 1978 (Interior Designers Act).

Organizational Status: Administratively attached to the regulation and licensing department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes

Funding: General appropriation act; other state funds = interior design board fund; statutory per diem and mileage.

Membership: Five members appointed by the governor for staggered three-year terms. Three members are interior designers and two members represent the public and have not been licensed as interior designers or have interest in the occupation regulated. Members may not serve consecutive terms.

Powers and Duties: Section 61-24C-5: adopt rules to carry out the Interior Designers Act, including rules and standards of professional conduct and performance; provide for examination, licensure, application renewal and late fees; establish continuing education requirements for license renewal; establish ethical standards of practice for New Mexico; adopt a seal; conduct hearings; and maintain an official roster showing the name, address and license number of each licensed interior designer.

Duplication, Similarity or Connection with Other Agencies: The board of examiners for architects.

Category: Professional and Occupational Boards and Commissions
Landscape Architects, Board of

Statutory Reference: Section 61-24B-6 NMSA 1978 (Landscape Architects Act).

Organizational Status: Administratively attached to regulation and licensing department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes

Funding: General appropriation act; other state funds = landscape architects fund; statutory per diem and mileage.

Membership: Five members appointed by the governor for staggered three-year terms. Three members have been registered landscape architects for at least five years; the two public members represent the public and have not been licensed as landscape architects or have any interest in the occupation regulated. Professional members are appointed from lists submitted to the governor by the New Mexico chapter of the American society of landscape architects. The governor may remove members for neglect of duty, incompetence, improper or unprofessional conduct or any reason that would justify suspension or revocation of licensure. Members shall not serve more than two consecutive terms. Three unexcused absences result in automatic removal.

Powers and Duties: Section 61-24B-7 NMSA 1978: promulgate rules to effectuate the Landscape Architects Act; provide for the examination, registration and re-registration of all applicants; adopt and use a seal; administer oaths and take testimony on matters within the board's jurisdiction; set fees; and grant, deny, renew, suspend or revoke certificates of registration and landscape architects-in-training certificates.

Duplication, Similarity or Connection with Other Agencies: Board of examiners for architects and state board of licensure for professional engineers and surveyors.

Category: Professional and Occupational Boards and Commissions
Massage Therapy Board

Statutory Reference: Section 61-12C-7 NMSA 1978 (Massage Therapy Practice Act).

Organizational Status: Administratively attached to regulation and licensing department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes

Funding: General appropriation act; other state funds = massage therapy fund; statutory per diem and mileage.

Membership: Five members appointed by the governor for staggered four-year terms. Three members are massage therapists, each with at least five years of massage therapy practice and who are actively engaged in the practice during their tenure. Two members are public members who have not been licensed and have no financial interest in the profession of massage therapy. Members serve not more than two consecutive terms. Three unexcused absences result in automatic recommendation for removal.

Powers and Duties: Section 61-12C-8 NMSA 1978: adopt rules to carry out the Massage Therapy Practice Act; inspect businesses; establish minimum training and educational standards for licensure; adopt an annual budget and a code for professional conduct; investigate complaints against licensees; bring actions for injunctive relief; issue cease and desist orders; and publish lists of licensed massage therapists, registered massage therapy instructors and registered massage therapy schools.

Other powers and duties: issue license by credentials.

Duplication, Similarity or Connection with Other Agencies: Other health-related boards.

Category: Professional and Occupational Boards and Commissions
Medical Board, New Mexico

Statutory Reference: Section 61-6-2 NMSA 1978 (Medical Practice Act)
(board name changed in 2003; formerly the board of medical examiners).

Organizational Status: Adjunct

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes

Funding: General appropriation act; other state funds = New Mexico medical board fund; statutory per diem and mileage.

Membership: Nine members appointed by the governor for staggered four-year terms. Six members are reputable physicians of known ability who are graduates of medical colleges or schools in good standing and who have been licensed physicians in and residents of New Mexico for a period of five years immediately preceding the date of their appointment. One member is a physician assistant who has been licensed in and resident of New Mexico for at least five years immediately preceding the date of appointment. Two members represent the public and have not practiced as physicians or have any interest in the occupation regulated and are residents of New Mexico. Physician members are appointed from a list of five names submitted by the New Mexico medical society; the physician assistant member shall be appointed from a list of five names submitted to the governor by the New Mexico academy of physician assistants or its authorized governing body or council. Three consecutive unexcused absences result in automatic removal.

Other: Secretary-treasurer and board members interviewing applicants may be compensated.

The board has subpoena power. Communications regarding disciplinary action are confidential communications.

Powers and Duties: Section 61-6-5 NMSA 1978: enforce and administer the provisions of the Medical Practice Act, the Physician Assistant Act, the Anesthesiologist Assistants Act and the Impaired Health Care Provider Act; adopt and use a seal; administer oaths to all applicants, witnesses and others appearing before the board; take testimony on matters within the board's jurisdiction; keep an accurate record of meetings, receipts and disbursements; keep records of

examinations and licensees, including records of renewals, suspensions, revocations, probations, stipulations, censures, reprimands and fines; hire staff; contract with investigators to investigate possible violations; hire a competent attorney; establish continuing medical education requirements for physicians and physician assistants; establish and maintain rules related to pain management; and establish committees.

Other powers: license physicians, physician assistants and anesthesiologist assistants; license by endorsement; and issue subpoenas.

Section 61-6A-6 NMSA 1978: grant licenses and enforce the Genetic Counseling Act.

Section 61-6B-5 NMSA 1978: grant licenses and enforce the Polysomnography Practice Act.

Section 61-6B-8 NMSA 1978: appoint members to the polysomnography practice advisory committee.

Duplication, Similarity or Connection with Other Agencies: Other health-related boards, particularly the board of osteopathic medical examiners.

Category: Professional and Occupational Boards and Commissions
Medical Imaging and Radiation Therapy Advisory Council

Statutory Reference: Section 61-14E-5.1 NMSA 1978 (Medical Imaging and Radiation Therapy Health and Safety Act).

Organizational Status: Attached to the department of environment; advisory to the environmental improvement board.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: General appropriation act; radiologic technology fund = license fees; money in fund is appropriated to department; statutory per diem and mileage.

Membership: Eleven members appointed by the governor after consultation with the secretary of environment and professional organizations representing medical imaging and radiation therapy for three-year staggered terms. Six members are medical imaging professionals licensed by the department, representing each medical imaging modality defined under the act, including one licensed radiographer and one licensed radiologist assistant. One member holds a certificate of limited practice in radiography. Three members are licensed physicians, each of whom represents a different medical specialty, only one of whom shall be a radiologist and at least one of whom shall be from a rural area. The final member represents the general public and is not licensed by the department or is not a relative of anyone licensed by the department. Members may serve no more than two consecutive terms. Three consecutive unexcused absences result in automatic removal.

Powers and Duties: Section 61-14E-5 NMSA 1978: provide advice and recommendations to the board regarding implementation of the act, including the promulgation of rules, licensure standards and continuing education requirements; and advise the board of the standards of practice for medical imaging and radiation therapy.

Section 61-14E-5.1 NMSA 1978: may create an ad hoc disciplinary review committee to consider medical matters and make recommendations to the council.

Duplication, Similarity or Connection with Other Agencies: Other health-related boards, environmental improvement board.

Category: Professional and Occupational Boards and Commissions
Naprapathic Practice Board

Statutory Reference: Section 61-12E-9 NMSA 1978 (Naprapathic Practice Act).

Organizational Status: Advisory to regulation and licensing department.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes

Funding: General appropriation act. Naprapathy fund = license fees. Money in fund is appropriated to department. Statutory per diem and mileage.

Membership: Five members appointed by the governor, including three naprapaths and two public members, who serve four-year terms. A member may not serve more than two full terms. The board meets at least twice per calendar year.

Powers and Duties: Section 61-12E-10 NMSA 1978: advise the superintendent of regulation and licensing about licensure, approval of naprapathy curricula and degree programs and any other matters necessary to ensure the training and licensure of competent naprapaths. Develop rules for the superintendent to review and adopt regulating licensure, practice and clinical experience; prescribing the manner in which patient records are kept; pertaining to professional responsibility and conduct; identifying disciplinary actions and circumstances; developing means to provide information to licensees; inspecting business premises; investigating complaints; publishing public information; providing for an orderly process of reinstatement of license; providing criteria for advertising; and any other matter necessary to implement the act.

Duplication, Similarity or Connection with Other Agencies: Other health-related boards, particularly massage board.

**Category: Professional and Occupational Boards and Commissions
Nursing, Board of**

Statutory Reference: Section 61-3-8 NMSA 1978 (Nursing Practice Act).

Organizational Status: Adjunct

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: General appropriation act; other state funds = board of nursing fund; statutory per diem and mileage.

Other: Executive director or designee is nurse licensure compact administrator.

Membership: Seven members appointed by the governor for staggered four-year terms, who must be state residents. Four members are licensed nurses, one preferably a licensed practical nurse; three represent the public and have not been licensed as registered or licensed practical nurses or have any significant financial interest in the practice regulated. No more than two board members are appointed from any one county; no more than two registered nurses are appointed from any one county; and no more than two registered nurses are from any one field of nursing. Registered nurses are licensed in the state and have at least five years' experience in nursing, are currently engaged in professional nursing and have been actively engaged in professional nursing for at least three years immediately preceding appointment or reappointment. Members serve not more than two full or partial terms, consecutive or otherwise. Failure to attend seventy percent of meeting days annually, regular or special, results in automatic removal.

Powers and Duties: Section 61-3-10 NMSA 1978: adopt and revise rules; prescribe standards and approve curricula and surveys for educational programs and licensures; grant, deny or withdraw approval from educational programs for failure to meet prescribed standards; examine, license and renew licenses; conduct discipline and licensure denial, suspension or revocation hearings; prosecute violators of the Nursing Practice Act; keep records; make an annual report to the governor; appoint a qualified registered nurse as director and other staff; require continuing education as a condition of license renewal and study methods of monitoring continuing competence; appoint advisory committees; provide for an inactive nurses list; license qualified certified nurse practitioners, certified registered nurse anesthetists, clinical nurse specialists and registered nurses not licensed in New Mexico practicing pursuant to multistate licensing

privileges; and establish standards for prescriptive authority to certified nurse practitioners and clinical nurse specialists. The board also sets licensure fees.

Section 61-3-10.1 NMSA 1978: certify hemodialysis technicians, approve training programs and set fees.

Section 61-3-10.2 NMSA 1978: certify medication aides and training programs in licensed intermediate care facilities for the mentally retarded and set fees.

Section 61-3-10.5 NMSA 1978: establish a nursing excellence program and impose a license renewal surcharge to implement and maintain the program.

Section 61-3-29.1 NMSA 1978: create diversion programs to rehabilitate impaired nurses.

Duplication, Similarity or Connection with Other Agencies: Other health-related boards.

Category: Professional and Occupational Boards and Commissions
Nursing Home Administrators, Board of

Statutory Reference: Section 61-13-4 NMSA 1978 (Nursing Home Administrators Act).

Organizational Status: Administratively attached to the regulation and licensing department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes

Funding: General appropriation act; other state funds = nursing home administrators fund; statutory per diem and mileage.

Membership: Seven members appointed by the governor for staggered three-year terms. Three members of the board are nursing home administrators licensed and practicing under the Nursing Home Administrators Act. One member is a practicing physician licensed in New Mexico and three members are from the public who have no interest in the nursing home industry. Board members must be United States citizens and state residents; not more than one member is an employee of a state or other public agency. Failure to attend three consecutive meetings, at least two of which are regular meetings, results in automatic removal.

Powers and Duties: Section 61-13-5 NMSA 1978: the board elects a chair annually and such officers as necessary; the board meets at least three times annually or as deemed appropriate; meets at the call of the chair or upon the call of any two board members; a majority of the board constitutes a quorum; a board member is automatically removed for failing to attend three consecutive meetings, two of which are regular meetings.

Section 61-13-6 NMSA 1978: adopt and revise rules; approve applicants for licensure and renewal, reciprocity, reinstatement and reactivation; cause the prosecution or enjoinder of persons violating the act; submit an annual report; employ administrative personnel; and maintain a register of licensees and applicants.

Other powers and duties: approve or establish courses of study for initial applicants and continuing education; apply for injunctions; and charge fees.

Duplication, Similarity or Connection with Other Agencies: Other health-related boards.

Category: Professional and Occupational Boards and Commissions
Nutrition and Dietetics Practice Board

Statutory Reference: Section 61-7A-5 NMSA 1978 (Nutrition and Dietetics Practice Act).

Organizational Status: Administratively attached to the regulation and licensing department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes

Funding: General appropriation act; other state funds = nutrition and dietetics fund; statutory per diem and mileage.

Membership: Five members appointed by the governor for staggered three-year terms. Three of the members are licensed dietitians or nutritionists with at least three years of nutrition or dietetics practice in New Mexico; two members represent the public with no interest in the practice regulated. Members serve not more than two full terms. Three absences result in automatic removal. At least one dietitian and one nutritionist serve on the board at all times.

Powers and Duties: Section 61-7A-6 NMSA 1978: develop and administer examinations; evaluate qualifications of applicants; issue licenses; investigate persons or practices in violation of the Nutrition and Dietetics Practice Act; revoke, suspend or deny licenses; and adopt an annual budget, code of ethics and rules. The board may contract with the regulation and licensing department for office space and administrative support.

Other powers and duties: license by credentials; establish continuing education requirements; and charge fees.

Duplication, Similarity or Connection with Other Agencies: Other health-related boards.

Category: Professional and Occupational Boards and Commissions
Occupational Therapy, Board of Examiners for

Statutory Reference: Section 61-12A-8 NMSA 1978 (Occupational Therapy Act).

Organizational Status: Administratively attached to the regulation and licensing department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes

Funding: General appropriation act; other state funds = board of examiners for occupational therapy fund; statutory per diem and mileage. Registrar may be reimbursed for expenses at the discretion of the board.

Membership: Five members appointed by the governor for staggered three-year terms. Three members have a minimum of five years' professional experience, two of which are in New Mexico. One professional member may be a certified occupational therapy assistant and one may be a retired registered occupational therapist. The two public members represent the public and have no interest in the occupation regulated; they also must not be a convicted felon, habitually intemperate, addicted to drugs or guilty of any violation of the Controlled Substances Act. All members have been residents of New Mexico for at least two years prior to their appointment. Members serve not more than two consecutive terms. Three unexcused absences result in a recommendation for removal.

Powers and Duties: Section 61-12A-9 NMSA 1978: adopt rules; use funds appropriately; adopt a code of ethics; enforce the provisions of the Occupational Therapy Act; establish and collect fees; examine and license applicants; impose and collect fines for violations; appoint a registrar; obtain legal assistance of the attorney general; hire or contract with an attorney; issue investigative subpoenas; hire complaint investigators; inspect establishments; and designate hearing officers.

Section 61-12A-14 NMSA 1978: issue licenses by endorsement.

Other: The board has subpoena power.

Duplication, Similarity or Connection with Other Agencies: Physical therapy board.

Category: Professional and Occupational Boards and Commissions
Optometry, Board of

Statutory Reference: Section 61-2-5 NMSA 1978 (Optometry Act).

Organizational Status: Administratively attached to the regulation and licensing department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes

Funding: General appropriation act; other state funds = optometry fund; statutory per diem and mileage.

Membership: Six members appointed by the governor for staggered five-year terms. Four members have been residents of New Mexico for at least five years and have been continuously engaged in the practice of optometry, appointed from a list of five names for each vacancy from the state optometric association. The remaining two members represent the public and have no interest in the occupation regulated. Members may be removed for cause. Members serve not more than two consecutive terms. Three unexcused absences result in automatic removal. Geographic representation needed among members; no more than one member per county. Meet at least annually.

Powers and Duties: Section 61-2-6 NMSA 1978: administer and enforce the Optometry Act; adopt rules; adopt and use a seal; administer oaths and take testimony; keep accurate records of meetings, receipts and disbursements, examinations and applicant information and a book of registration; grant, deny, renew, suspend or revoke licenses to practice optometry; develop and administer qualifications for certification for the use of topical ocular pharmaceutical agents and oral pharmaceutical agents; suspend an optometrist's license for the use of pharmaceutical agents without prior certification; and employ agents or attorneys.

Section 61-2-10 NMSA 1978: certify for use of topical ocular pharmaceutical agents.

Section 61-2-10.2 NMSA 1978: certify for use of oral pharmaceutical agents, including controlled substances.

Other powers and duties: license by endorsement; and charge fees.

Duplication, Similarity or Connection with Other Agencies: Other health-related boards.

Category: Professional and Occupational Boards and Commissions
Osteopathic Medical Examiners, Board of

Statutory Reference: Section 61-10-5 NMSA 1978 (Chapter 61, Article 10 NMSA 1978).

Organizational Status: Administratively attached to the regulation and licensing department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes

Funding: General appropriation act; other state funds = osteopathic medical fund; statutory per diem and mileage.

Membership: Five members appointed by the governor to serve five-year terms. Three members are New Mexico-licensed osteopathic physicians in good standing and who have been practicing for at least two years immediately prior to their appointment. The two public members have not been licensed as osteopathic physicians, and have no significant interest in the occupation regulated. Three unexcused absences results in automatic removal.

Powers and Duties: Section 61-10-5 NMSA 1978: have and use common seals and adopt rules relating to the enforcement of Chapter 61, Article 10 NMSA 1978.

Other powers and duties: charge fees; issue licenses without examination to osteopaths licensed in another country, state, territory or province; refuse to issue or suspend or revoke licenses; and require and prescribe continuing education.

Section 61-10A-3 NMSA 1978: administer and enforce Osteopathic Physicians' Assistants Act.

Duplication, Similarity or Connection with Other Agencies: Other health-related boards, particularly the medical board.

**Category: Professional and Occupational Boards and Commissions
Pharmacy, Board of**

Statutory Reference: Section 61-11-4 NMSA 1978 (Pharmacy Act).

Organizational Status: Administratively attached to the regulation and licensing department.

Policy or Advisory? Adjunct

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes

Funding: General appropriation act; other state funds = pharmacy fund; statutory per diem and mileage.

Membership: Nine members appointed by the governor for staggered five-year terms. Pharmacist members representing districts are selected from lists submitted by the New Mexico pharmaceutical association, with one member from each of the five pharmacy districts; they have been actively engaged in the pharmaceutical profession in New Mexico for at least three years immediately prior to appointment and have a minimum of eight years' practical experience. District pharmacist members reside in the pharmacy district from which they were appointed. One member appointed at-large from a list of the New Mexico society of health systems pharmacists. Three members represent the public and have no interest in the occupation regulated. The governor may remove a member for cause. Board members serve not more than two full terms, consecutive or otherwise. Failure to attend three consecutive regular meetings results in automatic removal.

Powers and Duties: Section 61-11-6 NMSA 1978: adopt rules; examine applicants; license pharmacists and interns; license retail and nonresident pharmacies, wholesale drug distributors, drug manufacturers, hospital pharmacies, nursing home drug facilities, industrial and public health clinics and all places where dangerous drugs are stored, distributed or administered; inspect facilities and activities; prescribe activities and duties of pharmacy owners and pharmacists; enforce laws pertaining to the practice of pharmacy and the manufacture, production, sale or distribution of drugs or cosmetics and their standards of strength and purity; conduct disciplinary hearings; deny, suspend or revoke a registration or license; keep records; employ a director and define the director's duties and responsibilities; register and regulate qualifications, training and permissible activities of pharmacy technicians; and adopt rules and protocols, after approval by the medical board and the board of nursing, for prescribing dangerous drug therapy, including vaccines, immunizations and the appropriate notification of the primary or appropriate physician of the person receiving the dangerous drug therapy. The

board may delegate its authority to issue temporary licenses to the director and provide by rule for the electronic transmission of prescriptions.

Section 61-11-6.1 NMSA 1978: adopt rules providing for criminal background checks.

Section 61-11-9.1 NMSA 1978: require surety bonds as security for payment of penalties.

Section 61-11A-3 NMSA 1978: appoint a committee to organize and administer a program under the Impaired Pharmacists Act.

Section 61-11B-3 NMSA 1978: adopt rules to carry out the provisions of the Pharmacist Prescriptive Authority Act.

Chapter 26, Article 1 NMSA 1978: administer and enforce the New Mexico Drug, Device and Cosmetic Act.

Section 30-31B-2 NMSA 1978: administer and enforce the Drug Precursor Act.

Duplication, Similarity or Connection with Other Agencies: Other health-related boards; however, the pharmacy board has much broader functions than other licensing boards.

Category: Professional and Occupational Boards and Commissions
Physical Therapy Board

Statutory Reference: Section 61-12D-4 NMSA 1978 (Physical Therapy Act).

Organizational Status: Administratively attached to the regulation and licensing department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes

Funding: General appropriation act; other state funds = physical therapy fund; statutory per diem and mileage.

Membership: Five members appointed by the governor for staggered three-year terms. Three members are physical therapists who are residents of the state, possess unrestricted licenses and have been practicing in New Mexico for at least five years. Two members are citizens appointed from the public who are not associated with or financially interested in any health care profession. Removal is for cause.

Powers and Duties: Section 61-12D-5 NMSA 1978: examine all applicants for licensure and issue licenses and permits; regulate the practice of physical therapy by interpreting and enforcing the provisions of the Physical Therapy Act, including taking disciplinary action; adopt rules; establish requirements for assessing continuing competency; collect fees; provide for orientation and training of new board members; employ director and other staff; hire an attorney; establish ad hoc committees; enter into contracts; publish annual final disciplinary actions taken against any physical therapist or assistant; and prescribe the forms of license certificates, application forms or other documents.

Other powers and duties: charge fees and issue interim permits to foreign-trained applicants.

Duplication, Similarity or Connection with Other Agencies: Other health-related boards.

Category: Professional and Occupational Boards and Commissions
Podiatry, Board of

Statutory Reference: Section 61-8-5 NMSA 1978 (Podiatry Act).

Organizational Status: Administratively attached to the regulation and licensing department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes

Funding: General appropriation act; other state funds = podiatry fund; statutory per diem and mileage.

Membership: Five members appointed by the governor for staggered five-year terms. Three members are licensed podiatrists who have practiced in New Mexico for at least three consecutive years immediately prior to appointment. Two members represent the public and have not been licensed podiatrists or have any interest in the occupation regulated. Removal is for cause. No board member serves more than two consecutive full terms. Three consecutive unexcused absences are cause for automatic removal.

Powers and Duties: Section 61-8-6 NMSA 1978: administer and enforce the provisions of the Podiatry Act; adopt rules; adopt and use a seal; conduct hearings; administer oaths and take testimony on any matters within the board's jurisdiction; examine and license applicants; keep records of registration of all licensed podiatrists; grant, deny, renew, suspend or revoke licenses to practice podiatry; adopt and promulgate rules setting standards of preliminary and professional qualifications for podiatrists as well as podiatric assistants; and adopt rules and administer examinations for applicants seeking licensure as podiatrists, podiatric assistants and foot and ankle radiation technologists.

Other powers and duties: license by reciprocity and charge fees.

Other: Podiatrists are covered by physician-patient privilege.

Duplication, Similarity or Connection with Other Agencies: Other health-related boards.

Category: Professional and Occupational Boards and Commissions
Polysomnography Practice Advisory Committee

Statutory Reference: Section 61-6B-8 NMSA 1978 (Polysomnography Practice Act).

Organizational Status: Advisory to the New Mexico medical board; board provides administrative and financial support to the committee.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Indirect through the New Mexico medical board; statutory per diem and mileage.

Membership: Five members who are residents of New Mexico, appointed by the New Mexico medical board for four-year staggered terms as follows: (1) two members who are credentialed by the [national] board of registered polysomnographic technologists; provided that when the medical board begins issuing licenses, this category of committee members shall be three licensed polysomnographic technologists, with the then-sitting members in this category being given a reasonable amount of time to become licensed; (2) one licensed physician who is certified in sleep medicine by a national certifying body recognized by the American academy of sleep medicine; (3) one person whose background is at the discretion of the board; and (4) one member of the public who is not economically or professionally associated with the health care field. Members may serve no more than two terms, including an initial appointment term. The committee annually elects a chair and other officers. The committee meets at least twice per calendar year and otherwise as often as necessary to conduct business. The New Mexico medical board may remove a member for neglect of duties required by the Polysomnography Practice Act, malfeasance in office, incompetence or unprofessional conduct.

Powers and Duties: Section 61-6B-9 NMSA 1978: advise the board on licensure and rulemaking.

Duplication, Similarity or Connection with Other Agencies: New Mexico medical board.

Category: Professional and Occupational Boards and Commissions
Private Investigations Advisory Board

Statutory Reference: Section 61-27B-6 NMSA 1978 (Private Investigations Act). Previously part of the Private Investigators and Polygraphers Act, recompiled in 2007 and renamed the Private Investigations Act.

Organizational Status: Advisory to the regulation and licensing department.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes

Funding: General appropriation act; private investigations fund = license and registration fees; money in fund is appropriated to the department; statutory per diem and mileage.

Membership: At least five members appointed by the superintendent of regulation and licensing. Two of the members are private investigators. The other three members are a private patrol operator, a polygraph examiner and a member of the public who is not licensed pursuant to the Private Investigations Act, the Private Investigators and Polygraphers Act or any prior similar statutory provisions and does not have a direct or indirect financial interest in a private investigation company, private patrol company, polygraph business or a related business.

Powers and Duties: Section 61-27B-6 NMSA 1978: to assist in the conduct of the examination process for licensees and registrants and to assist the department in other matters as requested by the superintendent or provided for in rules of the department.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: Professional and Occupational Boards and Commissions
Psychologist Examiners, New Mexico State Board of

Statutory Reference: Section 61-9-5 NMSA 1978 (Professional Psychologist Act).

Organizational Status: Administratively attached to the regulation and licensing department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes

Funding: General appropriation act; other state funds = psychology fund; statutory per diem and mileage.

Membership: Eight members appointed by the governor for staggered three-year terms. Four members are licensed psychologists appointed from a list provided by the New Mexico psychological association, the state psychologist association and the New Mexico school psychologist association. One member is licensed under the act as a psychologist or psychologist associate. Three members are public members who have no significant interest in the occupation regulated. Removal is for cause.

Powers and Duties: Section 61-9-6 NMSA 1978: adopt rules to effect the purpose of the Professional Psychologist Act; employ an administrator and other personnel; adopt a seal; examine, approve, deny, revoke, suspend or renew the licensure of psychologists and psychologist associates; conduct disciplinary hearings; prosecute and enjoin; and submit a report to the governor within 60 days of the end of the fiscal year concerning the work of the board of the preceding fiscal year.

Other powers and duties: charge fees; license without written examination persons certified by the American board of examiners in professional psychology and who pass an oral examination; and license without written or oral examination persons licensed in other states or territories.

Section 61-9-11.2 NMSA 1978: adopt rules providing for criminal background checks.

Section 61-9-17.1 NMSA 1978: issue conditional prescription certificates and prescription certificates.

Duplication, Similarity or Connection with Other Agencies: Counseling and therapy practice board.

Category: Professional and Occupational Boards and Commissions

Public Accountancy Board, New Mexico

Statutory Reference: Section 61-28B-4 NMSA 1978 (1999 Public Accountancy Act).

Organizational Status: Administratively attached to the regulation and licensing department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes

Funding: General appropriation act; other state funds = public accountancy fund; statutory per diem and mileage.

Membership: Seven members appointed by the governor for staggered three-year terms. Four members are certified public accountants or registered public accountants who have practiced for at least five calendar years immediately preceding their appointment. Three members represent the public and have not held a certificate or permit to practice public accountancy in any state and do not have a significant interest in the public accountancy profession or in a firm. Public members have professional or practical experience in the use of accounting services and financial statements, so as to be qualified to make judgments about the qualifications and conduct of persons subject to the provisions of the 1999 Public Accountancy Act. A professional member whose certificate to practice has been suspended or revoked automatically ceases to be a member of the board. Removal is for cause.

Powers and Duties: Section 61-28B-5 NMSA 1978: appoint committees or persons to advise or assist in carrying out the provisions of the 1999 Public Accountancy Act; retain its own counsel in addition to the advice and assistance provided by the attorney general; contract, sue and be sued; obtain and use a seal; cooperate with the appropriate authorities in other states in the investigation, enforcement and comparable acts of other states; adopt rules to carry out the 1999 Public Accountancy Act and the conduct of certificate and permit holders; develop rules requiring a criminal history background check; and maintain a registry of names and addresses of all certificate and permit holders.

Section 61-28B-7 NMSA 1978: permit board to deny a certificate if applicant failed to satisfy the requirement of good moral character. Permit board to waive or defer passage of examination requirements if applicant can show that the reason for failure to pass was beyond the applicant's control.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: Professional and Occupational Boards and Commissions
Real Estate Appraisers Board

Statutory Reference: Section 61-30-5 NMSA 1978 (Real Estate Appraisers Act).

Organizational Status: Administratively attached to the regulation and licensing department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes

Funding: General appropriation act; other state funds = appraiser fund; statutory per diem and mileage.

Membership: Seven members appointed by the governor for terms of five years. Four members are licensed or certified real estate appraisers; membership in a professional appraisal organization is not a prerequisite to serve. No more than two real estate appraiser members are from any one licensed or certified category. No more than two members are from any one county within New Mexico, and at least one real estate appraiser member shall be from each congressional district. One member of the board represents lenders or their assignees engaged in the business of lending funds secured by mortgages. Two members represent the public and have not engaged in the business of real estate appraisals and have no financial interest in real estate appraisal or any real-estate-related business. Professional members are appointed for no more than two consecutive five-year terms.

Powers and Duties: Section 61-30-7 NMSA 1978: adopt rules to implement the Real Estate Appraisers Act; establish educational programs and research projects related to the appraisal of real estate; establish administrative procedures for processing applications and issuing registrations, licenses and certificates; determine who may qualify to be state apprentice real estate appraisers, state licensed and state certified real estate appraisers; receive, review and approve applications for state apprentice real estate appraisers, state licensed or certified real estate appraisers and each category of state certified real estate appraisers; prepare or supervise the preparation of examination questions and answers; supervise grading of examinations and enter into contracts with one or more educational testing services or organizations for such examinations; define the extent and type of educational experience, appraisal experience and equivalent experience that will meet the requirements for registration and licensing, provide for continuing education programs for the renewal of registrations, licenses and certificates; set minimum requirements; adopt standards to define the education programs; adopt standards for

the development and communication of real estate appraisals; adopt rules explaining and interpreting the standards after considering generally recognized appraisal practices; adopt a code of professional responsibility for state registered, licensed and certified real estate appraisers; comply with annual reporting requirements and other requirements set forth in the federal real estate appraisal reform amendments; maintain a registry of the names and addresses of the people who hold current registrations, licenses and certificates; and establish procedures for disciplinary action.

Chapter 47, Article 14 NMSA 1978: adopt rules to implement the Appraisal Management Company Registration Act.

Other powers and duties: meet at least annually in each of the congressional districts; appoint and pay per diem and mileage to committees; employ and compensate staff; charge fees; and register, license or certify by reciprocity.

Duplication, Similarity or Connection with Other Agencies: Real estate commission.

**Category: Professional and Occupational Boards and Commissions
Real Estate Commission, New Mexico**

Statutory Reference: Section 61-29-4 NMSA 1978.

Organizational Status: Administratively attached to the regulation and licensing department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes

Funding: General appropriation act; other state funds = real estate commission fund; statutory per diem and mileage.

Membership: Five members who have been New Mexico residents for three consecutive years immediately prior to their appointment, four of whom are associate or qualifying brokers licensed in New Mexico and one of whom is a member of the public and never licensed as an associate or qualifying broker; provided that not more than one member is from any one county within the state. Terms are five years. Removal is for cause.

Powers and Duties: Section 61-29-4 NMSA 1978: possess all the powers and perform all the duties prescribed by Chapter 61, Article 29 NMSA 1978 and as otherwise provided by law; expressly vested with the power and authority to make and enforce any rules to carry out the provisions of that article.

Other powers and duties: license and renew, suspend or revoke licenses; charge fees; keep records; adopt rules for continuing educational programs; may require professional liability insurance coverage and may establish the minimum terms and conditions of coverage, including limits of coverage and permitted exceptions; and solicit sealed, competitive proposals from insurance carriers to provide a group professional liability insurance policy. The commission may require license applicants to submit to criminal background checks. The commission administers the real estate education and training fund.

Section 61-29-21 NMSA 1978: administer the Real Estate Recovery Fund Act.

Duplication, Similarity or Connection with Other Agencies: Real estate appraisers board.

Category: Professional and Occupational Boards and Commissions
Respiratory Care Practitioners, Advisory Board of

Statutory Reference: Section 61-12B-5 NMSA 1978 (Respiratory Care Act).

Organizational Status: Advisory to the regulation and licensing department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes

Funding: General appropriation act; other state funds = respiratory care fund; statutory per diem and mileage.

Membership: Five members appointed by the superintendent for three-year terms. The membership consists of one physician who is knowledgeable in respiratory care; two respiratory care practitioners, at least one of whom has been actively engaged in the practice of respiratory care for at least five years immediately preceding appointment; and two public members who are residents of New Mexico who have not been licensed as respiratory care practitioners or have any interest in the occupation regulated. Members may not serve more than two consecutive terms. Three consecutive unexcused absences is cause for automatic removal.

Powers and Duties: Section 61-12B-6 NMSA 1978: consult with the department on the licensure of respiratory care practitioners.

Duplication, Similarity or Connection with Other Agencies: Other health-related boards.

Category: Professional and Occupational Boards and Commissions
Signed Language Interpreting Practices Board

Statutory Reference: Section 61-34-7 NMSA 1978 (Signed Language Interpreting Practices Act).

Organizational Status: Administratively attached to the regulation and licensing department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes

Funding: General appropriation act; other state funds = signed language interpreting practices fund; also receives funds from the telecommunications access fund; statutory per diem and mileage.

Membership: Seven members appointed by the governor for staggered three-year terms. Two members are licensed community interpreters and two are licensed educational interpreters. At least one of the community and educational interpreters on the board must be deaf or hard-of-hearing. Two members are hard-of-hearing and deaf-blind persons who are regular consumers of signed language interpreting services. One member represents the public and is not a licensed signed language interpreter or does not have a financial interest in the profession of signed language interpreting. At least two members must be from each congressional district. No board member serves more than two consecutive terms. Three unexcused absences result in a recommendation for removal from the board.

Powers and Duties: Section 61-34-8 NMSA 1978: administer and enforce the provisions of the Signed Language Interpreting Practices Act; adopt rules for licensure and examination; issue, renew, suspend or revoke licenses; promulgate rules to carry out and enforce the provisions of the Signed Language Interpreting Practices Act; submit an annual budget; maintain records of all proceedings; and provide an annual report to the governor.

Other: The board has subpoena power.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: Professional and Occupational Boards and Commissions
Social Work Examiners, Board of

Statutory Reference: Section 61-31-7 NMSA 1978 (Social Work Practice Act).

Organizational Status: Administratively attached to the regulation and licensing department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes

Funding: General appropriation act; other state funds = board of social work examiners fund; statutory per diem and mileage.

Membership: Seven members appointed by the governor for staggered three-year terms who are representative of the geographic and ethnic groups in the state and who have been residents for at least five years. Four members have been engaged in social work practice for at least five years; at least two of the four hold master's degrees in social work and at least two hold bachelor's degrees in social work from schools accredited by the council on social work education. At least one of the professional members is engaged primarily in clinical social work practice, one primarily in education and one primarily in administration or research in social organization, planning and development. The four professional members do not hold office in any professional organization of social workers during their tenure on the board. Three members represent the public and have not been licensed or practiced as social workers or have any significant financial interest in the occupation regulated. Professional members are appointed from a list submitted by social work organizations and individual social work professionals. Removal is for cause; three unexcused absences are cause for automatic removal. Members shall not serve more than two consecutive terms.

Powers and Duties: Section 61-31-8 NMSA 1978: adopt rules to carry out the Social Work Practice Act; select, prepare and administer written examinations for licensure; adopt a professional code of ethics; appoint advisory committees; conduct hearings and investigations; require continuing education; issue subpoenas, statements of charges and statements of intent to deny licenses; approve appropriate supervision for persons seeking licensure as an independent social worker; issue provisional and temporary licenses and licenses; determine qualifications for licensure, including the requirement to demonstrate an awareness and knowledge of New Mexico cultures; set fees for licenses; authorize all disbursements; keep a record of all proceedings; and make an annual report to the governor.

Other powers and duties: license by credentials; and establish an impaired social workers' program.

Other: The board has subpoena power and can delegate that power.

Social workers have limited privilege.

Duplication, Similarity or Connection with Other Agencies: Counseling and therapy practice board and board of psychologist examiners.

Category: Professional and Occupational Boards and Commissions
Speech-Language Pathology, Audiology and Hearing Aid Dispensing
Practices Board

Statutory Reference: Section 61-14B-9 NMSA 1978 (Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act).

Organizational Status: Administratively attached to the regulation and licensing department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes

Funding: General appropriation act; other state funds = speech-language pathology, audiology and hearing aid dispensing practices fund; statutory per diem and mileage.

Membership: Ten members appointed by the governor for staggered three-year terms. Members must have been residents for at least five years prior to appointment. Two members are licensed speech language pathologists, two members are licensed audiologists, two members are licensed hearing aid dispensers, one member is a licensed otolaryngologist and three members represent the public and have no interest in the profession regulated. Members serve no more than two full consecutive terms. Three unexcused absences result in automatic recommendation for removal.

Powers and Duties: Section 61-14B-11 NMSA 1978: adopt rules and establish policy necessary to carry out the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act; require continuing education; adopt a code of ethics; conduct disciplinary hearings; investigate complaints against licensees by issuing investigative subpoenas prior to the issuance of a notice of contemplated action; establish fees for licensure; provide for the licensing, renewal, denial, suspension or revocation of licenses; and license by reciprocity, including temporary permits for speech language pathologists, audiologist or hearing aid dispensers.

Duplication, Similarity or Connection with Other Agencies: Other health-related boards.

Category: Professional and Occupational Boards and Commissions
Thanatopractice, Board of

Statutory Reference: Section 61-32-5 NMSA 1978 (Thanatopractice Act).

Organizational Status: Administratively attached to the regulation and licensing department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes

Funding: General appropriation act; other state funds = thanatopractice fund; statutory per diem and mileage.

Membership: Six members appointed by the governor for four-year terms. Three members are funeral service practitioners who have been licensed in New Mexico for at least five years; one member is a direct disposer or health care practitioner who has been licensed in New Mexico for at least five years; and two members represent the public and have not been licensed for the practice of funeral service or direct disposition in this state or any other jurisdiction and have never had any financial interest in any funeral, commercial or direct disposition establishment or crematory. Members serve no more than two full consecutive terms. Three unexcused absences result in recommendation for removal.

Powers and Duties: Section 61-32-6 NMSA 1978: adopt rules necessary to carry out the provisions of the Thanatopractice Act; require continuing education; conduct disciplinary hearings; take administrative actions; establish reasonable fees; investigate violations; establish committees; apply for injunctive relief; impose fines for violations in addition to other administrative or disciplinary costs; and conduct criminal background checks on applicants for licensure.

Section 61-32-7 NMSA 1978: administer the provisions of the act; provide for examination, licensing and renewal of applicants and licensees; and provide for the inspection of establishments and crematories.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: Professional and Occupational Boards and Commissions

Veterinary Medicine, Board of

Statutory Reference: Section 61-14-4 NMSA 1978 (Veterinary Practice Act).

Organizational Status: Adjunct

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes

Funding: General appropriation act; other state funds = veterinary fund; statutory per diem and mileage.

Membership: Seven members appointed by the governor for staggered four-year terms. Five members have been licensed to practice veterinary medicine in the state for five years; and two members represent the public and have no financial interest in the occupation regulated. Members serve no more than two consecutive four-year terms. Absences from three consecutive meetings, regular or special, result in automatic removal.

Powers and Duties: Section 61-14-5 NMSA 1978: examine and determine applicants for license; regulate artificial insemination and pregnancy diagnosis; establish license and permit fees; conduct investigations; employ personnel; establish standards for practice of veterinary medicine; certify veterinary technicians; establish a five-member veterinary technician examining committee; require continuing education requirements for license renewal; and regulate the operation of veterinary facilities.

Other powers and duties: appoint an impaired-veterinarian committee to administer the program; and license by endorsement.

Duplication, Similarity or Connection with Other Agencies: Animal sheltering board.

Category: Public Safety and Criminal Justice
Alcohol Server Education Advisory Committee

Statutory Reference: Section 60-6E-11 NMSA 1978 (Alcohol Server Education Act).

Organizational Status: Administratively attached to the alcohol and gaming division of the regulation and licensing department.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: Indirect through department; per diem and mileage not statutory.

Membership: Ten members as follows: director of the alcohol and gaming division; secretary of public safety; secretary of health; chief of traffic safety bureau; three representatives of the retail liquor industry; one representative of the wholesale liquor industry; one representative of the insurance industry; and one representative of a nonprofit organization whose primary purpose is to reduce drunk driving in New Mexico. Public members are appointed by the director; the director serves as chair. The committee must meet not less than twice a year.

Powers and Duties: Section 60-6E-12 NMSA 1978: assist the division to develop standards, course requirements and materials for the program, procedures attendant to the program, certification standards for providers and instructors and certification of alcohol server education programs that meet minimum standards of the committee.

Duplication, Similarity or Connection with Other Agencies: Alcohol and gaming division of regulation and licensing department.

Category: Public Safety and Criminal Justice
Community Corrections Advisory Panel
(Juvenile State Selection Panel)

Statutory Reference: Sections 33-9A-4 and 33-9A-5 NMSA 1978 (Juvenile Community Corrections Act).

Organizational Status: Unspecified

Policy or Advisory? Unspecified

Rulemaking Authority? Unspecified

Federal Mandate? No

Senate Confirmation? No

Funding: Unspecified; per diem and mileage not statutory.

Membership: Section 33-9A-5 NMSA 1978: the selection panel is unspecified.

Powers and Duties: Section 33-9A-5 NMSA 1978: screen and identify appropriate delinquents sentenced to imprisonment, except those from judicial districts with a local panel; and recommend placement in community corrections programs and modification of disposition to a judge or juvenile parole board.

Duplication, Similarity or Connection with Other Agencies: Similar to local panels; there may be duplication with duties of the juvenile public safety advisory board and the department.

Category: Public Safety and Criminal Justice
Community Corrections Advisory Panels
(Application Review Panel and State Selection Panel)

Statutory Reference: Sections 33-9-6 and 33-9-7 NMSA 1978 (Adult Community Corrections Act).

Organizational Status: Unspecified

Policy or Advisory? Advisory to the corrections department.

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: Unspecified; per diem and mileage not statutory.

Membership: Section 33-9-6 NMSA 1978: the application review panel number unspecified, but consists of representatives of corrections, the judiciary, law enforcement, local and tribal government, interested organizations and the general public. Members are appointed by the secretary of corrections.

Section 33-9-7 NMSA 1978: the state selection panel has no membership specified.

Powers and Duties: Section 33-9-6 NMSA 1978: work jointly with any application panel created pursuant to Juvenile Community Corrections Act.

Section 33-9-7 NMSA 1978: screen and identify appropriate criminal offenders sentenced to imprisonment, except those from a district with a local panel; and recommend placement in community corrections programs and modification of sentence to the sentencing judge.

Duplication, Similarity or Connection with Other Agencies: Similar to local panels; the department also screens inmates.

Category: Public Safety and Criminal Justice
Corrections Industries Commission

Statutory Reference: Section 33-8-5.1 NMSA 1978 (Corrections Industries Act).

Organizational Status: Unspecified

Policy or Advisory? Unspecified; duties under the Corrections Industries Act seem to be substantive.

Rulemaking Authority? Unspecified

Federal Mandate? No

Senate Confirmation? Yes

Funding: General appropriation act through the corrections industries program; statutory per diem and mileage.

Membership: Seven members appointed by the governor with the consent of the senate for staggered four-year terms; not more than four members may be of the same political party. Failure to attend three consecutive meetings without being excused results in automatic removal.

Powers and Duties: Section 33-8-6 NMSA 1978: determine enterprises to be conducted in facilities in such volume, kind and place to eliminate inmate idleness and provide diversified work activities; determine whether an enterprise should be established, expanded, diminished or discontinued; establish a policy with respect to the conduct of enterprises; approve prices; consult with state agencies and local public bodies to develop new products and adapt existing products; act as liaison with private industry, organized labor, the legislature and the general public; obtain and provide technical assistance; hold meetings, at least quarterly; recommend to the department the adoption of rules; adopt policies and procedures that permit an enterprise to make purchases; review, approve, adopt and monitor the annual budget for all enterprises; recommend names of qualified individuals for appointment as the director of the corrections industries division; advise the director on management and control of the division; assist in inmate occupational placement upon release with the parole board and the field services division; and prepare an annual report, including financial statements.

Section 33-8-7 NMSA 1978: direct administration of the corrections industries revolving fund.

Section 33-8-8 NMSA 1978: establish a compensation plan for inmates in enterprise programs and public works.

Other: Section 13-1-98 NMSA 1978: the Procurement Code exempts purchases by the corrections industries division pursuant to rules adopted by the commission, which shall be reviewed by the purchasing division of the general services department.

Duplication, Similarity or Connection with Other Agencies: The corrections department.

Category: Public Safety and Criminal Justice
Corrections Population Control Commission

Statutory Reference: Section 33-2A-4 NMSA 1978 (Corrections Population Control Act).

Organizational Status: Autonomous, nonpartisan body; staff support provided by the corrections department.

Policy or Advisory? Unspecified, but can order the release of inmates.

Rulemaking Authority? Unspecified

Federal Mandate? No

Senate Confirmation? No

Funding: Indirect through the corrections department; statutory per diem and mileage.

Membership: Seven members as follows: the secretary of corrections, who serves as the chair; and public officials or private citizens appointed by the chief justice, the speaker of the house, the president pro tempore of the senate, the minority leader of the house, the minority leader of the senate and the governor. Appointed members serve until June 30, 2007. Vacancies are filled by the appointing authority.

Other: Commission terminates June 30, 2007 and the secretary of corrections assumes its powers and duties.

Powers and Duties: Section 33-2A-5 NMSA 1978: study and recommend policies and mechanisms to manage inmate population growth; review corrections department forecast models; provide information concerning impacts of changes in sentencing policies and law enforcement policies; analyze future construction needs; prepare legislation; consider its recommendations in light of public safety; and submit an annual report.

Section 33-2A-7 NMSA 1978: the governor may convene the commission to consider release of nonviolent offenders who are within 180 days of projected release. The commission may convene itself for the same reason on two-thirds' vote of appointed members.

Duplication, Similarity or Connection with Other Agencies: Corrections department.

Category: Public Safety and Criminal Justice
Crime Stoppers Advisory Council

Statutory Reference: Section 29-12A-2 NMSA 1978 (Crime Stoppers Act).

Organizational Status: Unspecified

Policy or Advisory? While named advisory, it is required to certify specified portions of local programs.

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: Unspecified; statutory per diem and mileage.

Membership: Five members from local crime stoppers programs, four of whom are from the four quadrants of the state and one from Albuquerque. Members are appointed by the governor for two-year terms.

Powers and Duties: Section 29-12A-3 NMSA 1978: advise and assist in the creation and maintenance of local crime stoppers programs; certify local crime stoppers programs for the purposes of confidentiality of records and privileges and immunities; encourage the media to promote the functions of local programs; and facilitate training for local programs. The council takes no part in the receipt of reports or tips regarding criminal activity.

Duplication, Similarity or Connection with Other Agencies: Department of public safety.

Category: Public Safety and Criminal Justice
Crime Victims Reparation Commission

Statutory Reference: Section 31-22-4 NMSA 1978 (Crime Victims Reparation Act).

Organizational Status: Adjunct

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Funding: General appropriation act; statutory per diem and mileage.

Membership: Five members appointed by the governor for staggered four-year terms. Not more than three members may be from the same political party. One member is an attorney, one a physician and one a representative of a law enforcement agency.

Other: The commission has subpoena power.

Powers and Duties: Section 31-22-4 NMSA 1978: employ the director and other staff.

Section 31-22-4.1 NMSA 1978: domestic violence homicide review team created within the commission to study issues and report to the appropriate government officials.

Section 31-22-5 NMSA 1978: review claims and hold claims hearings.

Section 31-22-6 NMSA 1978: appoint an impartial physician to examine an applicant for reparation.

Section 31-22-17 NMSA 1978: adopt, amend and repeal rules.

Section 31-22-21 NMSA 1978: expend the crime victims reparation fund.

Section 31-22-23 NMSA 1978: may compel production of books, records and papers pertinent to an investigation or hearing pursuant to the act.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: Public Safety and Criminal Justice

DNA Identification System Oversight Committee

Statutory Reference: Section 29-16-5 NMSA 1978 (DNA Identification Act).

Organizational Status: Unspecified

Policy or Advisory? Unspecified, but presumably policy, given its rulemaking authority.

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Funding: Unspecified; per diem and mileage not statutory.

Membership: Nine members as follows: one scientific representative from the department crime laboratory appointed by the secretary of public safety; one scientific representative from the crime laboratory of the Albuquerque police department; secretary of corrections or designee; state medical investigator or designee; attorney general or designee; president of the district attorneys association or designee; chief public defender or designee; president of the criminal defense lawyers association or designee; and head of the administrative center or designee.

Powers and Duties: Section 29-16-5 NMSA 1978: oversee the establishment and administration of the missing persons DNA identification system as part of the DNA identification system; adopt rules and procedures regarding administration and operation of missing persons DNA identification system as part of the DNA identification system.

Duplication, Similarity or Connection with Other Agencies: N/A

Category: Public Safety and Criminal Justice
Domestic Violence Homicide Review Team

Statutory Reference: Section 31-22-4.1 NMSA 1978 (Crime Victims Reparation Act).

Organizational Status: Created within the crime victims reparation commission.

Policy or Advisory? Unspecified

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: Unspecified; per diem and mileage not statutory.

Membership: Unspecified number of members appointed by the director of the commission: medical personnel with expertise in domestic violence; criminologists; representatives from the New Mexico district attorneys association; representatives from the office of the attorney general; victim services providers; civil legal services providers; representatives from the public defender department; members of the judiciary; law enforcement personnel; representatives from the department of health, the aging and long-term services department and the children, youth and families department who deal with domestic violence victims' issues; representatives from tribal organizations who deal with domestic violence; and any other members the director of the commission deems appropriate.

Other: Members are not subject to civil liability for any act related to the review of a domestic violence-related homicide or a sexual assault-related homicide; provided that the members act in good faith, without malice and in compliance with other state or federal law.

Powers and Duties: Section 31-22-4.1 NMSA 1978: review trends and patterns of domestic violence-related homicides and sexual assault-related homicides in New Mexico; evaluate the responses of government and nongovernment service delivery systems and offer recommendations for improvement of the responses; identify and characterize high-risk groups for the purpose of recommending developments in public policy; collect statistical data in a consistent and uniform manner on the occurrence of domestic violence-related homicides and sexual assault-related homicides; and improve collaboration between tribal, state and local agencies and organizations to develop initiatives to prevent domestic violence. Report its activities to the governor; New Mexico legislative council; chief justice; secretaries of public safety, health and children, youth and families; and any other persons the team deems appropriate.

Duplication, Similarity or Connection with Other Agencies: New Mexico sentencing commission, department of public safety, courts, district attorneys, crime victims reparation commission.

Category: Public Safety and Criminal Justice
Domestic Violence Leadership Commission, New Mexico

Statutory Reference: Section 9-2A-24 NMSA 1978 (Children, Youth and Families Department Act).

Organizational Status: Administratively attached to the children, youth and families department.

Policy or Advisory? Unspecified; presumably advisory, since legislators serve on the commission.

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? No

Funding: Indirect through the department; statutory per diem and mileage.

Membership: Twenty-six members appointed by the governor as follows: representatives of the governor's office, the department of public safety, the judiciary, the corrections department, a law enforcement agency, New Mexico legal aid, the department of health, the New Mexico coalition against domestic violence or an equivalent organization, the southwest women's law center or an equivalent organization, the coalition to stop violence against native women or an equivalent organization, the crime victims reparation commission, the New Mexico intimate partner violence death review team, the aging and long-term services department, a children's advocacy organization and a gay and lesbian organization; a community representative; two representatives of rural domestic violence service providers; a domestic violence survivor who has been nominated by the New Mexico coalition against domestic violence; the attorney general or designee; a state senator appointed by the senate president pro tempore; a state representative appointed by the speaker of the house; the secretary of children, youth and families or designee; the president of the New Mexico district attorneys' association or designee; the chief public defender or designee; and the director of the New Mexico interpersonal violence data central repository. Appointed members serve at the pleasure of the governor, and their appointments must be reviewed at the beginning of each gubernatorial term. The governor designates the chair for a term of two years. The commission meets at least six times each year.

Powers and Duties: Section 9-2A-24 NMSA 1978: identify domestic violence services that are lacking or in need of improvement and provide recommendations to the secretary of children, youth and families and the governor to enhance the quality and efficiency of services statewide; develop strategies for addressing issues of domestic violence and raising public awareness; study

possible inequities in the treatment and disposition of males involved in domestic violence; review laws, rules and policies related to domestic violence to assess their effectiveness and recommend changes; and report annually before October 1 to an appropriate legislative interim committee and the governor on domestic violence policy issues.

Duplication, Similarity or Connection with Other Agencies: Crime victims reparation commission; local law enforcement; district attorneys' association; governor's cabinet; attorney general; commission on the status of women.

Category: Public Safety and Criminal Justice
Fire Protection Grant Council

Statutory Reference: Section 59A-53-19 NMSA 1978 (Fire Protection Fund Law).

Organizational Status: Unspecified

Policy or Advisory? Policy

Rulemaking Authority? Unspecified, but it develops criteria for and awards grant assistance.

Federal Mandate? No

Senate Confirmation? No

Funding: Indirect through the insurance division; statutory per diem and mileage for public members.

Membership: One representative each of the municipal league and the association of counties; two members appointed by the public regulation commission (PRC) who serve at the pleasure of the commission; three members, one from each congressional district, appointed by the governor who serve at his pleasure; and the fire marshal who serves as a nonvoting advisory member. No appointee shall be a member of the PRC, the superintendent of insurance or any other employee of the PRC. The council elects a chair and vice chair.

Powers and Duties: Section 59A-53-19 NMSA 1978: develop criteria for assessing the critical needs of municipal and county fire districts for fire apparatus and equipment, communications equipment, equipment for wildfires, fire station construction or expansion and equipment for hazardous material response and for stipends for volunteer firefighters in underserved areas. Applications for grants are made to the council; the council evaluates and prioritizes applications and awards grants. The council may require conditions and procedures necessary to ensure that money is spent in the most prudent manner.

Duplication, Similarity or Connection with Other Agencies: Fire marshal's office.

Category: Public Safety and Criminal Justice

Firefighters' Survivors Supplemental Death Benefits Review Committee

Statutory Reference: Section 10-11B-5 NMSA 1978 (Firefighters' Survivors Supplemental Benefits Act).

Organizational Status: Unspecified

Policy or Advisory? Unspecified

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: No

Membership: Attorney general, president of fire chiefs association, president of professional firefighters association and president of state fire fighters association or designees.

Powers and Duties: Section 10-11B-5 NMSA 1978: determine whether a firefighter has been killed in the line of duty and advise the state fire marshal of that determination.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: Public Safety and Criminal Justice
Human Trafficking, Task Force to Combat

Statutory Reference: Section 30-52-3 NMSA 1978.

Organizational Status: Unspecified; temporary until July 1, 2016.

Policy or Advisory?

Rulemaking Authority?

Federal Mandate? No

Senate Confirmation? No

Funding: Indirect through department; statutory per diem and mileage for public members.

Membership: Attorney general or designee; secretary of health or designee; secretary of children, youth and families or designee; secretary of public safety or designee; chief public defender or designee; a representative from the New Mexico district attorneys association; representatives of local law enforcement and state police from critical geographic areas of New Mexico affected by immigrant issues and human trafficking problems; and representatives from organizations that provide services to victims of human trafficking, including immigrants and immigrant victims of sexual assault and domestic violence. The attorney general is the chair and the task force meets at the call of the chair.

Powers and Duties: Section 30-52-3 NMSA 1978: collaborate with the United States attorney for the district of New Mexico, the United States border patrol and the United States immigration and customs enforcement to carry out the duties of the task force; collect and organize data on the nature and extent of human trafficking in New Mexico; monitor and evaluate the implementation of the 2008 act, including the progress of federal, state and local law enforcement agencies in preventing human trafficking, protecting and providing assistance to victims of human trafficking and prosecuting human trafficking offenders; develop and conduct training for law enforcement personnel and victims services providers to identify victims of human trafficking; examine the training protocols developed by federal, state and local law enforcement agencies related to dealing with human trafficking victims and offenders; assist in coordinating federal, state and local government agencies in the implementation of the 2008 act; implement a media awareness campaign in communities affected by human trafficking; develop recommendations on how to strengthen state and local efforts to prevent human trafficking, protect and assist human trafficking victims and prosecute human trafficking offenders; and submit an annual report of its activities, findings and recommendations, including any proposed legislation, in December of each year to the governor and the legislature.

Duplication, Similarity or Connection with Other Agencies: N/A

Category: Public Safety and Criminal Justice
Interoperability Planning Commission

Statutory Reference: Section 12-10D-3 NMSA 1978 (Emergency Communications Interoperability Act).

Organizational Status: Administratively attached to the homeland security and emergency management department.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? Required for federal preparedness assistance.

Senate Confirmation? No

Funding: Indirect through department; statutory per diem and mileage for members not paid by public money.

Membership: Twelve members, including the lieutenant governor; homeland security advisor; secretary of information technology or designee; adjutant general or representative from the department of military affairs; secretary of energy, minerals and natural resources or designee; state fire marshal or designee; secretary of Indian affairs or designee; secretary of transportation or designee; secretary of health or designee; secretary of public safety or designee; executive director of the New Mexico municipal league or designee; and executive director of the New Mexico association of counties or designee. The commission appoints the chair and vice chair. The commission meets at the call of the chair but no less than twice each year.

Powers and Duties: Section 12-10D-3 NMSA 1978: advise the department on: (1) development and coordination of a statewide interoperable emergency communications plan in compliance with national incident management system guidelines, including an integrated public safety radio communications system and other coordinated critical information systems, to achieve interoperability within and between local, state, tribal and federal agencies and first responders; (2) implementation of the interoperable emergency communications plan by state and local agencies and provision of specific directions for methods by which agencies shall implement those strategies; (3) priorities relating to the interoperable emergency communications plan; and (4) other matters relating to planning, development, coordination, promotion and implementation of the interoperable emergency communications plan.

Duplication, Similarity or Connection with Other Agencies: Department of information technology.

Category: Public Safety and Criminal Justice
Intrastate Mutual Aid Committee

Statutory Reference: Section 12-10B-3 NMSA 1978 (Intrastate Mutual Aid Act).

Organizational Status: Administratively attached to the department of public safety.

Policy or Advisory? Unspecified

Rulemaking Authority? Unspecified

Federal Mandate? No

Senate Confirmation? No

Funding: Indirect through the department of public safety; statutory per diem and mileage for private-sector representatives.

Membership: Eleven members appointed by the governor, including a representative of the department of public safety and the governor's homeland security advisor who shall be a permanent member and the presiding officer of the committee. Members represent emergency management and response disciplines, political subdivisions and, if participating, Indian nations, tribes or pueblos. Terms are four years. The committee elects a vice-presiding officer and any other officers. Committee meets at least annually and may meet at the call of the presiding officer or seven members.

Powers and Duties: Section 12-10B-3 NMSA 1978: (1) review the progress and status of intrastate mutual aid; (2) assist in developing methods to track and evaluate activation of the system; (3) examine issues facing member jurisdictions in the implementation of mutual aid; (4) develop, adopt and disseminate comprehensive guidelines and procedures that address the following: (a) projected or anticipated costs of establishing and maintaining the system; (b) checklists for requesting and providing intrastate mutual aid; (c) record keeping for member jurisdictions; and (d) procedures for reimbursing actual and legitimate expenses of a member jurisdiction that responds to a request for aid through the system; and (5) adopt other guidelines and procedures considered necessary.

Duplication, Similarity or Connection with Other Agencies: N/A

Category: Public Safety and Criminal Justice
Juvenile Justice Advisory Committee

Statutory Reference: Section 9-2A-14 NMSA 1978 (Children, Youth and Families Department Act).

Organizational Status: Unspecified; serves as the "supervisory board" under federal act.

Policy or Advisory? Policy

Rulemaking Authority? Unspecified

Federal Mandate? Yes — federal Juvenile Justice and Delinquency Prevention Act of 1974.

Senate Confirmation? No

Funding: Federal funds; statutory per diem and mileage.

Membership: Unspecified

Powers and Duties: Section 9-2A-16 NMSA 1978: policymaking, planning and review powers over certain functions pursuant to federal act.

Section 9-2A-14.1 NMSA 1978: review grant applications for the juvenile continuum grant fund.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: Public Safety and Criminal Justice
Juvenile Public Safety Advisory Board

Statutory Reference: Section 32A-7A-2 NMSA 1978 (Juvenile Public Safety Advisory Board Act).

Organizational Status: Administratively attached to the children, youth and families department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Funding: General appropriation act; statutory per diem and mileage.

Membership: Seven members appointed by the governor for six-year terms. Members must be persons qualified by education or professional training in such fields as criminology, education, health, psychology, psychiatry, law, social work or sociology for children and youth; the membership shall be reasonably representative of the various geographic regions of the state. The governor designates the chair, and the chair may designate two members of the board to serve as regional vice chairs. Members may be removed by the governor as provided in Article 5, Section 5 of the constitution of New Mexico; vacancies shall be filled by the governor for the remainder of the unexpired term.

Powers and Duties: Section 32A-7A-6 NMSA 1978: advise the department on release decisions, including the criteria to be used to grant release and participation in decisions to grant or deny release; meet with the secretary of children, youth and families or the secretary's designee a minimum of twice each year for the purpose of reviewing the activities of the department; visit each facility for adjudicated delinquent children operated by the department at least once each year and, on or before June 30 of each year, submit a written report to the governor and the secretary regarding conditions relating to the care and treatment of youth assigned to the facilities and any other matters pertinent in the judgment of the board; make recommendations to the secretary and the director of the juvenile justice division of the department concerning programs and facilities for adjudicated delinquent children; and adopt rules and regulations as may be necessary for the effectual discharge of duties of the board. Within 40 days of a juvenile's arrival at a facility, the board shall conduct an initial assessment of the juvenile. At regularly scheduled intervals thereafter, the board shall conduct administrative reviews to assess the juvenile's progress or lack thereof. After each administrative review, the board shall prepare a report of the juvenile offender's progress with recommendations as to readiness for release or appropriateness of programming.

Section 32A-7A-8 NMSA 1978: the board shall have access at reasonable times to any adjudicated delinquent child and any records pertaining to the child for whom the department is considering release or who has requested release pursuant to procedures established by the department. The agency or facility to which legal custody was transferred shall also provide the board with facilities for communicating with and interviewing children.

Duplication, Similarity or Connection with Other Agencies: Juvenile justice division, adult parole board.

Category: Public Safety and Criminal Justice
Law Enforcement Academy Board, New Mexico

Statutory Reference: Section 29-7-3 NMSA 1978 (Law Enforcement Training Act).

Organizational Status: Administratively attached to department of public safety.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes

Funding: Indirect through law enforcement academy; statutory per diem and mileage.

Membership: The attorney general, who is chair; and eight members appointed by the governor with the consent of the senate, one of whom is a citizen-at-large and one of whom is a police officer at or below the rank of sergeant at the time of appointment. At all times, the board has represented on it, as members, one municipal police chief, one sheriff, one state police officer, one district attorney, one certified police chief of a New Mexico Indian tribe or pueblo, one police officer at or below the rank of sergeant, and two citizens-at-large. Terms are four years.

Powers and Duties: Section 29-7-4 NMSA 1978: approve or disapprove appointment of the director of the academy by the secretary; develop and implement a planned program of basic law enforcement training and in-service law enforcement training; prescribe qualifications for instructors and prescribe courses of instruction; report annually to the governor; accept donations, contributions, grants or gifts; adopt, publish and file rules for the operation of the academy and implementation and enforcement of the Law Enforcement Training Act and the Public Safety Telecommunicator Training Act; issue, grant, deny, renew, suspend or revoke a peace officer's certification for a cause specified in the act; administer oaths and take testimony; and perform all other appropriate acts.

Section 29-7-5.1 NMSA 1978: the academy director may be removed by the board.

Duplication, Similarity or Connection with Other Agencies: Academy

Category: Public Safety and Criminal Justice
Mounted Patrol Board of Directors

Statutory Reference: Section 29-6-2 NMSA 1978.

Organizational Status: Volunteer

Policy or Advisory? Policy; has control, management, supervision and power of internal organization.

Rulemaking Authority? Yes, for internal purposes.

Federal Mandate? No

Senate Confirmation? No

Funding: None

Membership: Unspecified; one member from each troop of the mounted patrol elected by the members for two-year terms.

Other: The mounted patrol is an all-volunteer organization.

Powers and Duties: Section 29-6-4 NMSA 1978: assist in the enforcement of law by cooperating with all law enforcement agencies and regulatory bodies of the state when requested by those agencies and under their direction and control; and act as an official bodyguard to the governor or distinguished visitors upon the call of the governor.

Section 29-6-5 NMSA 1978: may be detailed to assist and render aid in specific instances involving law enforcement or other matters when assistance and aid is requested by state or local law enforcement agencies; and when acting on such call, have the same powers and duties as the requesting authorities and be covered by workers' compensation.

Section 29-6-6 NMSA 1978: governor may call out the mounted patrol in case of insurrection, invasion, riot, breach of peace or imminent danger.

Duplication, Similarity or Connection with Other Agencies: State police; sheriff's offices; municipal police.

Category: Public Safety and Criminal Justice
Organized Crime Prevention Commission, Governor's

Statutory Reference: Section 29-9-3 NMSA 1978 (Organized Crime Act).

Organizational Status: Administratively attached to state police and to corrections department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes

Funding: Commission defunct; had been a general fund agency.

Membership: Seven members appointed by the governor with the consent of the senate; no more than four members may belong to the same political party; at least one member is a member of the New Mexico bar; terms are four years. Members must be of unquestioned integrity, high standing and influence, be selected for geographical representation, and be given security clearances.

Other: The legislature essentially eliminated the commission in 1995 through reduced appropriation.

The commission has subpoena power.

Powers and Duties: Section 29-9-4 NMSA 1978: forestall, check and prevent infiltration and encroachment of organized crime into public and private affairs in state; investigate the extent to which organized crime and racketeering has or has not infiltrated and encroached; investigate those conditions that may or may not lead to infiltration and encroachment; and report to proper authorities.

Section 29-9-5 NMSA 1978: assess and evaluate activities and problems involving organized crime in the state; develop a comprehensive plan for the suppression and control of organized crime in the state; recommend programs to combat organized crime; examine matters relating to law enforcement intra- and interstate; make an annual report; keep the public informed; advise and assist the attorney general, district attorneys or other law enforcement officials; cooperate with the federal government; conduct investigations as necessary; conduct private and public hearings; receive testimony, examine witnesses and request production of evidence; administer oaths or affirmations; issue subpoenas after a resolution of at least five members of the commission; and petition the district court ex parte to order attendance.

The department of public safety relies on the commission's investigative and subpoena powers.

Duplication, Similarity or Connection with Other Agencies: State police and local law enforcement.

Category: Public Safety and Criminal Justice
Parole Board (Adult)

Statutory Reference: Section 31-21-24 NMSA 1978 (Parole Board Act).

Organizational Status: Administratively attached to corrections department.

Policy or Advisory? Yes

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes

Funding: General appropriation act; statutory per diem and mileage.

Membership: Fifteen members appointed by the governor with the consent of the senate. Members serve staggered six-year terms. Members are people qualified by academic training or professional experience and may not be employed by any federal, state or local governmental entity. Removal in accordance with Article 5, Section 5 of the constitution of New Mexico. The governor designates the chair.

Powers and Duties: Section 31-21-25 NMSA 1978: grant, deny or revoke parole; conduct investigations, examinations, interviews, hearings and other proceedings; summon witnesses and books, etc.; maintain records of its acts; adopt an official seal; employ personnel; contract for services, etc.; adopt rules; provide a written statement of the reason for denying or revoking parole; and adopt a written policy specifying the criteria for consideration of granting, denying or revoking parole or the discharge of the parolee.

Section 31-21-25.1 NMSA 1978: establish rules and implement the medical and geriatric parole program.

Section 31-5-7 NMSA 1978: hold hearings pursuant to the Western Interstate Corrections Compact.

Section 31-21-10.1 NMSA 1978: hold hearings to determine the terms and conditions of supervised parole for sex offenders and review them every two and one-half years; notify the chief public defender of any upcoming parole hearing for sex offenders; revoke parole or order additional terms and conditions of parole when the sex offender has violated the terms and conditions of parole.

Duplication, Similarity or Connection with Other Agencies: Juvenile public safety advisory board.

Category: Public Safety and Criminal Justice
Public Safety Advisory Commission

Statutory Reference: Section 9-19-11 NMSA 1978 (Department of Public Safety Act).

Organizational Status: Policy advisory to department of public safety.

Policy or Advisory? Advisory

Rulemaking Authority? Unspecified

Federal Mandate? No

Senate Confirmation? Yes

Funding: Unspecified; per diem and mileage not statutory.

Membership: Seven citizens appointed by the governor with the consent of the senate; terms are three years.

Other: As the department's due process body for disciplinary proceedings, the commission meets as needed. The department reports that the commission is necessary because of its due process functions.

Powers and Duties: Section 9-19-11 NMSA 1978: advise the secretary on policy matters respecting activities of the department; and conduct disciplinary proceedings for the state police division officers as required by Section 29-2-11 NMSA 1978 and serve its findings and conclusions on the secretary for execution.

Duplication, Similarity or Connection with Other Agencies: State personnel board.

Category: Public Safety and Criminal Justice
Search and Rescue Review Board, State

Statutory Reference: Section 24-15A-6 NMSA 1978 (Search and Rescue Act).

Organizational Status: Unspecified

Policy or Advisory? Policy advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: Unspecified; per diem and mileage not statutory.

Membership: The state search and rescue resource officer, who is nonvoting; the secretary of public safety; the secretary of health; a representative of the civil air patrol division of the department of military affairs; a representative of the New Mexico emergency services council; a member certified as a search and rescue person; a member of the sheriffs' association; the chief of state police; and a member of the general public who is chair and votes only in case of a tie. Non-ex-officio members are appointed by the governor for three-year staggered terms. Members are removed if they miss more than two consecutive meetings.

Powers and Duties: Section 24-15A-6 NMSA 1978: evaluate the operation of the search and rescue plan; evaluate problems of specific missions; make findings of fact and recommendations to the chief, director and other appropriate authorities; meet at least quarterly; evaluate the operation and the effectiveness of the state search and rescue plan and make recommendations to the director of the technical and emergency support division of the department of public safety; evaluate the operational effectiveness of specific missions; make findings of fact and recommendations to the chief and other appropriate authorities to eliminate problems and improve overall conduct of the mission; hold hearings and invite individuals to appear and testify before the board and reimburse witnesses for travel expenses incurred; prepare reports for the attorney general in cases of victim hospitalization or death; and with the approval of the chief, certify field coordinators and confirm certification of search and rescue personnel.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: Public Safety and Criminal Justice
Sentencing Commission, New Mexico

Statutory Reference: Section 9-3-10 NMSA 1978 (Corrections Department Act) (formerly the criminal and juvenile justice coordinating council).

Organizational Status: Administratively attached to the governor's office.

Policy or Advisory? Unspecified; however, the commission receives appropriations and can hire staff.

Rulemaking Authority? Unspecified

Federal Mandate? No

Senate Confirmation? No

Funding: General appropriation act; statutory per diem and mileage.

Membership: Twenty-four members as follows: the attorney general; a district attorney appointed by the district attorneys association; the chief public defender; two district court judges, one of whom is a children's court judge, appointed by the district court judge's association; a court of appeals judge appointed by the chief judge; the dean of the law school; the secretary of corrections; the secretary of public safety; the secretary of children, youth and families; the secretary of public education; a county sheriff appointed by the director of the association of counties; two public members appointed by the governor, one of whom is designated chair by the governor; three public members appointed by the president pro tempore of the senate; three public members appointed by the speaker of the house; two public members appointed by the chief justice of the supreme court; one public member who is a Native American practicing attorney, appointed by the president of the state bar association; and the president of the New Mexico victim assistance organization. Members serve at the pleasure of the appointing authority. Membership must reflect reasonable geographical and urban-rural balances and regard for the incidence of crime and the distribution and concentration of law enforcement services.

Powers and Duties: Section 9-3-10 NMSA 1978: hold meetings as necessary; hire staff; prepare an annual budget; establish policies for the operation of the commission and the supervision of commission staff; advise the executive, judicial and legislative branches on policy matters relating to criminal and juvenile justice; make recommendation to the legislature regarding proposed changes to law; annually assess, monitor and report to the legislature on the impact of any enacted sentencing standards and guidelines on state and local correctional resources and programs and the need for further sentencing reform; develop proposed sentencing reform, including work specified in Section 9-3-10 NMSA 1978; monitor any enacted sentencing guidelines with respect to uniformity and proportionality; conduct research; serve as a

clearinghouse; review proposed legislation that creates a new criminal offense, changes the classification of an offense or changes the range of punishments for an offense and make recommendations; and provide impact estimates for proposed legislation.

Section 9-3-10.1 NMSA 1978: authorized to inspect, copy, receive and review all records, data and information in the possession of state and local agencies, within limits. The commission shall promulgate rules for inspection, copying, receipt, review and reporting records.

Section 9-3-10.2 NMSA 1978: may accept grants, donations or gifts.

Section 31-18-15 NMSA 1978: required to provide an annual written report to the secretary of corrections, all criminal court judges, the administrative office of the district attorneys and the chief public defender that specifies the average reduction in the sentence of imprisonment for serious violent offenses and nonviolent offenses due to meritorious deductions earned by prisoners during the previous fiscal year. The corrections department must allow the commission access to department documents for this purpose.

Duplication, Similarity or Connection with Other Agencies: No

Category: Public Safety and Criminal Justice
Sex Offender Management Board, New Mexico

Statutory Reference: Section 9-3-13 NMSA 1978.

Organizational Status: Created within the New Mexico sentencing commission.

Policy or Advisory? Unspecified; however, the sentencing commission must vote to approve, disapprove or revise most of board's work.

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: Indirect through the sentencing commission; statutory per diem and mileage.

Membership: Fifteen members, some of whom are members of the New Mexico sentencing commission. Members of the sex offender management board who are not also members of the sentencing commission are not voting members of the sentencing commission. Members include: the attorney general; a district attorney appointed by the district attorneys association; the chief public defender; a district court judge appointed by the district court judge's association; the secretary of corrections; the secretary of health; the secretary of children, youth and families; the secretary of public education; the secretary of Indian affairs; and the secretary of public safety. Certain designees are provided for. The governor appoints all public members, who are: a board member of a New Mexico victims organization; two mental health professionals, one of whom is a member of the association for the treatment of sexual abusers and one of whom is a juvenile sex offender treatment specialist; a representative from the adult probation and parole division of the corrections department with expertise in the supervision of sex offenders; a representative of the law enforcement community with expertise in sex offender community notification, registration, tracking and monitoring; a representative from a civil liberties organization; and a representative affiliated with a faith-based organization.

Powers and Duties: Section 9-3-13 NMSA 1978: report quarterly to the sentencing commission, which approves, disapproves or revises its recommendations. The board holds meetings at least eight times a year and otherwise as necessary; develop and prescribe a standard procedure for identification and evaluation of convicted sex offenders; develop and recommend guidelines and standards for treatment of sex offenders when they are placed on probation, incarcerated, placed on parole or placed in community corrections; create a risk assessment-screening tool and program to assist in sentencing; develop guidelines and standards for monitoring sex offenders undergoing evaluation or treatment; develop criteria for measuring a sex offender's progress in treatment; develop a standardized procedure for the identification and evaluation of juvenile sex offenders; develop and recommend guidelines and standards for the

treatment of juvenile sex offenders placed on probation, committed to a state agency, placed on parole or placed in a community corrections program; research and analyze safety issues; study and consider the viability and legality of a civil commitment program for sex offenders; research and determine the feasibility and legality of implementing indeterminate sentencing for sex offenders; study the use of clinical polygraph testing as a means of evaluation; evaluate sex offender treatment programs administered by state agencies and recommend changes, if needed; review the Sex Offender Notification and Registration Act and recommend changes, if needed.

Duplication, Similarity or Connection with Other Agencies: New Mexico sentencing commission.

Category: Sports

Athletic Commission, New Mexico

Statutory Reference: Section 60-2A-3 NMSA 1978 (Professional Athletic Competition Act).

Organizational Status: Administratively attached to the regulation and licensing department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes

Funding: General appropriation act; other state funds = athletic commission fund; statutory per diem and mileage.

Membership: Five members appointed by the governor, three of whom have experience in professional sports and two who represent the public; no more than three may be from the same political party. Terms are staggered four-year terms; members are limited to two full consecutive terms. Members cannot have any financial interest in any athletic contests.

Other: The commission has subpoena power.

The privilege tax provided in the act (on total gross receipts of any professional contest), as well as license fees, go to the athletic commission fund.

Powers and Duties: Section 60-2A-4 NMSA 1978: meet at least twice a year; adopt rules to carry out the provisions of the act; and prepare all forms of contracts between sponsors, licensees, promoters and contestants.

Section 60-2A-7 NMSA 1978: appoint medical advisory board.

Other provisions of the act: the commission has the sole direction, management, control and jurisdiction over all professional contests conducted in state; may issue contest licenses and physician licenses; may suspend or revoke any license issued; and has subpoena power.

Duplication, Similarity or Connection with Other Agencies: There is also an athletic trainer practice board.

Can Existing Agency Perform Function? Possibly the regulation and licensing department.

Category: Sports

Bicycle Racing Commission

Statutory Reference: Section 60-2D-3 NMSA 1978 (Bicycle Racing Act).

Organizational Status: Unspecified

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Funding: Would have been from state's share of pari-mutuel wagering.

Membership: Three members appointed by the governor for six-year terms.

Other: The commission has never been constituted. The New Mexico attorney general determined that the Bicycle Racing Act violates the federal Professional and Amateur Sports Protection Act.

The commission has subpoena power.

Powers and Duties: Section 60-2D-5 NMSA 1978: license all persons desiring to participate in bicycle racing at Keiren velodrome tracks in the state approved by the commission; supervise all licensees and all races and tracks; set time, place and duration of all races; suspend or revoke licenses for violations of the rules of the commission; do all other things necessary; have all places where meets are held inspected at least once a year; require all pari-mutuel meets held at Keiren velodrome tracks to be in accordance with commission rules; supervise the operations of pari-mutuel machines and equipment and the operations of all money rooms, accounting rooms and windows; supervise weighing and inspection of bicycles; and make saliva and urine tests on racers.

Other powers and duties: hire an executive secretary and other employees; govern application procedures; supervise the direction and discipline of licensees; govern issuance, suspension and revocation of licenses; bar persons from bicycle racing and tracks; determine the distribution of gross receipts of all pari-mutuel wagers; set standards for holding, conducting and operating races, meets and tracks; and investigate complaints and enforce the act.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: Sports

Medical Advisory Board

Statutory Reference: Section 60-2A-7 NMSA 1978 (Professional Athletic Competition Act).

Organizational Status: Unspecified

Policy or Advisory? Advisory to athletic commission.

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Sunset? Yes

Funding: None; the statute requires that members serve without compensation.

Membership: Three physicians appointed by the commission; members must have at least five years' experience in medical practice.

Other: Board meets only when needed; costs are absorbed by promoters.

Powers and Duties: Section 60-2A-7 NMSA 1978: prepare and submit to the commission standards for the physical and mental examinations of professional boxers and wrestlers that safeguard their health; recommend physicians qualified to make examinations; and advise the commission as to physical and mental fitness of any individual boxer or wrestler.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: Sports

Racing Commission, State

Statutory Reference: Section 60-1A-3 NMSA 1978 (Horse Racing Act).

Organizational Status: Administratively attached to the tourism department.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes

Sunset? Yes

Funding: General appropriation act; statutory per diem and mileage in budget.

Membership: Five members, no more than three of whom shall be members of the same political party, appointed by the governor and confirmed by the senate for six-year terms. All members of the commission hold at-large positions on the commission. At least three of the members of the commission shall be practical breeders of racehorses within New Mexico. Members must have primary residence in New Mexico and be of high character and reputation so that public confidence in the administration of horse racing is maintained. Vacancies are filled by appointment by the governor for the unexpired term. A person is not eligible for appointment if the person is an officer, official or director in a corporation conducting horse racing within the state.

Other: The commission has limited subpoena power.

Powers and Duties: Section 60-1A-4 NMSA 1978: may (1) grant, deny, suspend or revoke occupational licenses, secondary licenses and racetrack licenses, establish the terms for each classification of a racetrack license and set fees for submitting an application for a license; (2) exclude or compel the exclusion of a person from all horse racetracks deemed detrimental to the best interests of horse racing or who willfully violates the Horse Racing Act, a rule or order of the commission or a law of the United States or New Mexico; (3) compel production of documents, books and tangible items; (4) investigate the operations of a licensee and place a designated representative on the licensed premises to observe compliance with the Horse Racing Act and rules or orders of the commission; (5) employ staff to administer the act and employ staff with basic law enforcement training to be stationed at racetracks to maintain peace and order, enforce the law, conduct investigations and enforce the act or rules or orders of the commission; provided that staff employed with law enforcement training may not carry firearms or other deadly weapons while on duty for the commission; (6) summon witnesses and

administer oaths; and (7) appoint a hearing officer to conduct hearings. The commission is required to: (1) make rules to hold, conduct and operate all race meets and horse races held in the state and to identify and assign racing dates; (2) require certain information for each applicant on an application for a license; (3) supervise and oversee the making of pari-mutuel pools and the distribution from those pools; (4) make on-site inspections of horse racetracks at reasonable intervals; (5) approve improvements proposed to be completed on the licensed premises of a horse racetrack, including extensions, additions or improvements of buildings, stables or tracks; (6) monitor and oversee the pari-mutuel machines and equipment at all horse races or race meets; (7) approve contracts for simulcasting, pari-mutuel wagering and capital improvements entered into by horse racetracks; (8) regulate the size of purses; (9) require background investigations of employees of a racetrack licensee; and (10) provide annual reports to the governor.

Section 60-1A-3 NMSA 1978: appoint an executive director and establish the executive director's duties and compensation.

Section 60-1A-5 NMSA 1978: adopt rules to implement the Horse Racing Act and to ensure that horse racing in New Mexico is conducted with fairness and that the participants and patrons are protected against illegal practices on the racing grounds. The commission may suspend, revoke or deny renewal of a license of a person who violates the provisions of the Horse Racing Act or rules adopted pursuant to that act. The commission may impose civil penalties upon a licensee for a violation of the provisions of the Horse Racing Act or rules adopted by the commission. The fines shall not exceed \$10,000 for each violation and shall be paid into the current school fund.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: Sports

Sports Advisory Committee

Statutory Reference: Section 9-15A-11 NMSA 1978 (Tourism Department Act).

Organizational Status: Advisory to the sports authority division of the tourism department.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: Indirect through department; statutory per diem and mileage.

Membership: Twenty-five members of the public appointed by the governor and six ex-officio voting members as follows: superintendent of regulation and licensing; secretaries of economic development, tourism and taxation and revenue; chief counsel to the governor; and governor's deputy chief of staff for legislative affairs. An ex-officio member may designate in writing another person to attend meetings of the committee and, to the same extent and with the same effect, act in the ex-officio member's stead. Public members are appointed for four-year terms expiring on January 1 and serve at the pleasure of the governor. The committee has two co-chairs appointed by the governor, one of whom is an ex-officio member and one of whom is a public member. The committee may elect such other officers as it deems necessary. Appointments shall resemble the demographics of New Mexico in conjunction with the three congressional districts.

Powers and Duties: Section 9-15A-11 NMSA 1978: advise and support the sports authority division of the department.

Duplication, Similarity or Connection with Other Agencies: Sports authority division, New Mexico athletic commission.

Category: Transportation

Cumbres and Toltec Scenic Railroad Commission

Statutory Reference: Section 16-5-3 NMSA 1978 (Cumbres and Toltec Scenic Railroad Act).

Organizational Status: Interstate agency authorized by the Cumbres and Toltec Scenic Railroad Act Compact with Colorado.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? No

Funding: General appropriation act; statutory per diem and mileage.

Membership: Two members from New Mexico, two members from Colorado. New Mexico members are appointed by the governor and serve at the governor's pleasure.

Other: Section 16-5-6 NMSA 1978: exempt from provisions of the Personnel Act and Procurement Code.

Powers and Duties: Section 16-5-7 NMSA 1978: has all the power necessary to carry out provisions of the compact.

Section 16-5-9 NMSA 1978: has the authority to incur indebtedness for capital expenditures.

Section 16-5-11 NMSA 1978: may establish user fees.

Section 16-5-12 NMSA 1978: any interest collected by a financial institution for extending a loan to the commission is exempt from all taxes imposed by the state and political subdivisions.

Duplication, Similarity or Connection with Other Agencies: No

Category: Transportation

Health Standards Advisory Board

Statutory Reference: Section 66-5-6 NMSA 1978 (Motor Vehicle Code).

Organizational Status: Advisory to the motor vehicle division of the taxation and revenue department.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: Indirect through the department; members receive a limited hourly rate in addition to per diem and mileage.

Membership: Five members of the healing arts professions appointed by the secretary of taxation and revenue with the assistance of the secretary of health.

Powers and Duties: Section 66-5-6 NMSA 1978: advise the secretary on physical and mental criteria and vision standards relating to the licensing of drivers and on individual applicants or licensees.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: Transportation

Highway Selection Committee

Statutory Reference: Subsection D of Section 13-1-121 NMSA 1978 requires committee to be created by rule (Procurement Code).

Organizational Status: Unspecified

Policy or Advisory? Policy, in that the committee selects professionals for state highway contracts. Different selection committees are created for each project.

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: Unspecified; unclear whether per diem and mileage is statutory.

Membership: Unspecified

Powers and Duties: Section 13-1-120 NMSA 1978: evaluate statements of qualifications and performance data submitted by at least three businesses; may conduct interviews and require public presentations; select, ranked in order of qualifications, no fewer than three businesses deemed most highly qualified; and consider criteria specified in section, not including price.

Duplication, Similarity or Connection with Other Agencies: Similar to selection committees required for architects, engineers, surveyors and landscape architects for state public works projects under the property control division of the general services department.

Category: Transportation

Litter Control Council

Statutory Reference: Section 67-16-4 NMSA 1978 (Litter Control and Beautification Act).

Organizational Status: Unspecified

Policy or Advisory? Advisory to department of transportation.

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: Unspecified; per diem and mileage for nonpublic members unclear.

Membership: The governor appoints one representative of the public; two members of keep New Mexico beautiful; three representatives of environmental organizations; and one each from the following: mayors of keep America beautiful system cities; city managers; the New Mexico broadcasters' association; newspapers; the league of women voters; the New Mexico soft drink association; the New Mexico hotel and motel association; the New Mexico grocers association; the New Mexico liquor wholesalers association; the New Mexico retail liquor dealers association; garden clubs; the New Mexico municipal league; the New Mexico association of counties; the New Mexico retail association; the New Mexico public interest research group; agricultural organizations; the association of commerce and industry of New Mexico; the New Mexico home builders association; the New Mexico automotive dealers association; local keep America beautiful system programs; the New Mexico motor carriers' association; the New Mexico restaurant association; and recycle New Mexico. Ex-officio members include the secretaries of energy, minerals and natural resources; tourism; and transportation; the chief of the state police division; and the director of the environmental improvement division. Appointed members serve two-year terms. The council meets at least quarterly. The council appoints a seven-member executive committee.

Other: The department of transportation is required to appoint a litter control coordinator. The council administration and grants are supported by the \$.50 fee on motor vehicle registrations.

Powers and Duties: Section 67-16-12 NMSA 1978: sponsor litter control and beautification programs; and fund projects and activities.

Section 67-16-10 NMSA 1978: design and produce a litter bag.

Duplication, Similarity or Connection with Other Agencies: Department of transportation.

Category: Transportation

Off-Highway Motor Vehicle Advisory Board

Statutory Reference: Section 66-3-1017 NMSA 1978 (Off-Highway Motor Vehicle Act).

Organizational Status: Advisory to the department of game and fish.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: Indirect through department; statutory per diem and mileage.

Membership: Seven members appointed by the governor for staggered two-year terms as follows: one landowner living near a national forest or bureau of land management property that is used extensively for recreational off-highway vehicle activity; one producer or one grazing permittee on public lands from the farming or livestock industry; one person from the off-highway motor vehicle industry; one off-highway motor vehicle user; one hunter or angler; one quiet recreationalist, such as a hiker, backpacker, birdwatcher, equestrian, mountain biker, rock climber or archaeological enthusiast; and one member with expertise in injury prevention or treatment. The board shall select a chair and vice chair. The board meets at the call of the chair but not less than twice annually. No more than four terms expire in any one year. The board members select by lot four members to serve initial terms of three years each.

Powers and Duties: Section 66-3-1017 NMSA 1978: advise the department on matters related to administration of the Off-Highway Motor Vehicle Act.

Duplication, Similarity or Connection with Other Agencies: None noted.

Category: Transportation

Traffic Safety Bureau Advisory Committee

Statutory Reference: Section 66-7-505 NMSA 1978 (Traffic Safety Act).

Organizational Status: Advisory to the traffic safety bureau of the department of transportation.

Policy or Advisory? Advisory

Rulemaking Authority? No

Federal Mandate? No

Senate Confirmation? No

Funding: Unspecified; statutory per diem and mileage.

Membership: Five members as follows: the chief of the traffic safety bureau is an ex-officio member, serves as the chair and is a voting member. The governor appoints three members: one who is from a law enforcement agency, one from the school bus transportation function of the public education department and one from the motor transportation division of the department of public safety. Appointed members terms are coterminous with that of the governor.

Powers and Duties: Section 66-7-511 NMSA 1978: meets to study and evaluate all applications for federal grants.

Duplication, Similarities or Connection With Other Agencies: The department of transportation.

Category: Transportation

Transportation Commission, State

Statutory Reference: Article 5, Section 14 of the constitution of New Mexico; Sections 67-3-1 through 67-3-22 NMSA 1978.

Organizational Status: Constitutional commission that determines all policy for the department of transportation, which is a cabinet department with a secretary appointed by the governor.

Policy or Advisory? Policy

Rulemaking Authority? Yes

Federal Mandate? No

Senate Confirmation? Yes, by three-fifths' vote.

Funding: General appropriation act; statutory per diem and mileage in the department's budget.

Membership: Six members appointed by the governor with the advice and consent of the senate to serve staggered six-year terms. Members are appointed from the six highway commission districts and are required to live in their districts; change of residence outside a member's district automatically terminates the term of that commissioner. The governor submits the names of the commissioners for confirmation not later than the thirtieth day of each regular session of the legislature. No commissioner is appointed without confirmation by the senate except that, in the case of a vacancy, the governor may appoint a commissioner to fill a vacancy until the next regular session of the legislature, at which time an appointment shall be made for the balance of the unexpired term.

Other: If the governor refuses or fails to submit the names of the highway commissioners for confirmation, the senate appoints and confirms the highway commissioners. Commissioners serve at the pleasure of the governor, except that they may not be removed without prior approval of the senate.

Other: The commission has the power of eminent domain, but may not use that power to acquire land to be developed or operated by a private entity.

Powers and Duties: Section 67-3-2 NMSA 1978: the commission has the power to determine all matters of policy for the department of transportation; however see **Other** note below.

Other: Except for powers expressly granted to the state transportation commissioners in Chapter 67, Article 3 NMSA 1978, the department shall exercise all the power, authority and duty granted to the state transportation commission in Chapter 67 NMSA 1978. All references

contained in the NMSA 1978 that refer to the "state transportation commission" or "commissioners" shall, wherever appropriate, be construed to refer to or to mean the department.

Section 67-3-11 NMSA 1978: make all rules and regulations as may be necessary to carry out the provisions of Chapter 67 NMSA 1978.

Section 67-3-12 NMSA 1978: power and authority to declare abandoned and to close all railroad grade crossings to public traffic once they have been replaced with safer crossings; offer and pay rewards leading to convictions of theft or defacement of highway signs; prescribe rules on the conditions for placement of utility lines or ditches across public rights of way; employ an attorney; conduct, permit or authorize commercial enterprises or activities on commission- or department-owned or -leased land; bring legal action to affect condemnation proceedings; and designate an acting secretary when the secretary is absent from Santa Fe.

Section 67-3-14 NMSA 1978: control over expenditure of the state road fund.

Duplication, Similarity or Connection with Other Agencies: The department of transportation.