

HOUSE APPROPRIATIONS AND FINANCE COMMITTEE SUBSTITUTE FOR
HOUSE BILL 585

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

AN ACT

RELATING TO EXECUTIVE REORGANIZATION; PERMITTING THE GOVERNOR
TO REORGANIZE CERTAIN AGENCIES BY EXECUTIVE ORDER IN 2003 TO
MAKE THEM CABINET-LEVEL DEPARTMENTS; REQUIRING LEGISLATIVE
APPROVAL OF SUCH EXECUTIVE ORDER REORGANIZATIONS; PROVIDING FOR
TRANSFERS OF FUNCTIONS, PERSONNEL, APPROPRIATIONS, MONEY AND
PROPERTY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. PURPOSE-- ELEVATING STATE AGENCIES TO CABINET-
LEVEL DEPARTMENTS. --

A. The purpose of elevating the state agency on
aging to a cabinet-level department is to:

(1) implement and administer the requirements
of the federal Older Americans Act of 1965 and other programs,
services and policies that were administered by the state

1 agency on aging;

2 (2) develop programs and unified public
3 policies that address the needs of the aging population, their
4 families and caregivers;

5 (3) develop programs and unified public
6 policies that address the long-term care system in New Mexico
7 and focus on creation of a seamless, comprehensive, efficient
8 and cost-effective home- and community-based long-term care
9 system;

10 (4) create and organize divisions to carry out
11 the purposes identified in this section, including but not
12 limited to, consumer rights and advocacy, aging network
13 services and long-term care divisions;

14 (5) work with consumers, advocacy
15 organizations, providers, other departments, stakeholders and
16 the legislative health and human services committee to develop
17 a comprehensive plan to provide long-term care and related
18 services for an older adult population; and

19 (6) develop a comprehensive plan to
20 coordinate, reorganize and consolidate older adult services by
21 June 30, 2004.

22 B. The purpose of elevating the office of cultural
23 affairs to a cabinet-level department is to:

24 (1) develop programs and unified public
25 policies for cultural affairs; and

1 (2) improve and enhance educational,
2 historical, archaeological and architectural preservation,
3 collections and other cultural services for the state.

4 C. The purpose of elevating the New Mexico office
5 of Indian affairs to a cabinet-level department is to:

6 (1) investigate, study, consider and act upon
7 the entire subject of Indian conditions and relations within
8 the state, including issues of health, economy, education,
9 legislation, safety, welfare and local, state and federal
10 government;

11 (2) ensure coordination between state
12 government and tribal governments, including technical
13 assistance, advocacy and informational services; program and
14 fiscal management; and capital outlay management, through
15 methods that promote effective tribal and state working
16 relationships for provision of quality services; and

17 (3) provide a conduit for state and tribal
18 government-to-government relations that increases each
19 sovereign's ability to respond more effectively to the issues
20 and needs of the state's Native American communities and
21 citizens.

22 D. The purpose of elevating the New Mexico
23 veterans' service commission to a cabinet-level department is
24 to:

25 (1) develop programs and unified public

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1 policies that address the needs of veterans and their families;
2 and

3 (2) develop and expand outreach and education
4 to improve the quality of life for veterans and their families.

5 Section 2. EXECUTIVE REORGANIZATION--EXECUTIVE ORDER--
6 TRANSFERS--LEGISLATIVE APPROVAL.--

7 A. The governor may, by executive order issued in
8 2003, make the following state agencies cabinet-level
9 departments:

10 (1) the state agency on aging may become the
11 aging and long-term care department;

12 (2) the office of cultural affairs may become
13 the cultural affairs department;

14 (3) the New Mexico office of Indian affairs
15 may become the Indian affairs department; and

16 (4) the New Mexico veterans' service
17 commission may become the veterans' service department.

18 B. Functions, personnel, appropriations, money,
19 records, files, furniture, equipment and other property of an
20 agency specified in Subsection A of this section shall be
21 transferred to the resulting department. Contractual and
22 statutory obligations of the original agency shall be
23 obligations of the resulting department.

24 C. The executive order relating to the state agency
25 on aging may provide for the transfer of functions, personnel,

1 appropriations, money, records, files, furniture, equipment,
 2 supplies and other property of the children, youth and families
 3 department, human services department and department of health
 4 pertaining to adult services to the aging and long-term care
 5 department.

6 D. If a special election is held and the voters
 7 approve a constitutional amendment to create a cabinet-level
 8 public education department, the governor may, by executive
 9 order issued in 2003, establish the department from the state
 10 department of public education. Upon issuance of the executive
 11 order, functions, personnel, appropriations, money, records,
 12 files, furniture, equipment and other property of the state
 13 department of public education shall be transferred to the
 14 public education department. Contractual and statutory
 15 obligations of the state department of public education shall
 16 be obligations of the public education department.

17 E. If a bill of the forty-sixth legislature, second
 18 session, approving an executive reorganization undertaken
 19 pursuant to Subsections A and D of this section is not enacted
 20 into law, that reorganization is void.

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