

underscored material = new
[bracketed material] = delete

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 242

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Dede Feldman

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO THE LEGISLATURE; CREATING THE LEGISLATIVE HEALTH
COMMITTEE; CREATING THE HUMAN SERVICES OVERSIGHT COMMITTEE;
ABOLISHING THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE;
CREATING A HEALTH UNIT OF THE LEGISLATIVE COUNCIL SERVICE;
AMENDING, REPEALING AND ENACTING SECTIONS OF THE NMSA 1978.

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

Section 1. [NEW MATERIAL] LEGISLATIVE HEALTH COMMITTEE--
CREATED--MEMBERS--APPOINTMENT--TERMS--STAFF.--

A. A permanent joint interim committee of the
legislature to be called the "legislative health committee" is
created. The committee shall be composed of fourteen voting
members, seven from the senate and seven from the house of
representatives. The house health and government affairs
committee and the senate public affairs committee shall be

underscoring material = new
[bracketed material] = delete

1 represented. The committee members shall be appointed for
2 terms of two years or less, expiring on the first day of each
3 regular session that convenes in an odd-numbered year. The
4 term of any member shall terminate when the member ceases to be
5 a member of the legislature. Members of the senate shall be
6 appointed by the committees' committee of the senate or, if the
7 appointment is made in the interim, by the president pro
8 tempore after consultation with and agreement of a majority of
9 the members of the committees' committee. Members of the house
10 of representatives shall be appointed by the speaker of the
11 house of representatives. Minority members shall be appointed
12 by the speaker only from recommendations made by the minority
13 floor leader; provided that the speaker shall retain the right
14 to reject any such recommendations. Vacancies on the committee
15 shall be filled for the unexpired term by the respective
16 appointing authority that makes the original appointments and
17 shall be subject to the same recommendations; provided that
18 members shall be appointed from the respective houses, parties
19 and committees so as to maintain the same number of house and
20 senate members and the same representation of standing
21 committees as provided in the original appointments. Each of
22 the two parties having the greatest number of members in the
23 legislature shall be represented on the committee in proportion
24 to the membership of each such party in each house; provided
25 that in the computation, major fractions shall be counted as

.174828.3

underscored material = new
[bracketed material] = delete

1 whole numbers and in no event shall either of the two major
2 parties have less than one member from each house.

3 B. The officers of the legislative health committee
4 shall be a chair and a vice chair. Each office shall be
5 alternated between the respective houses every two years. For
6 the term beginning in 2010, the chair shall be a house member
7 and the vice chair shall be a senate member. The appointing
8 authority of each house shall exercise its appointing authority
9 by naming the chair or vice chair respectively on this
10 alternating basis.

11 C. No action shall be taken by the legislative
12 health committee if a majority of the total membership from
13 either house on the committee rejects such action.

14 D. Staff for the legislative health committee shall
15 be provided by the legislative council service.

16 Section 2. [NEW MATERIAL] LEGISLATIVE HEALTH COMMITTEE--
17 POWERS AND DUTIES.--The committee shall conduct a continuing
18 study of the programs, agencies, policies, issues and needs
19 relating to health care services and health coverage, including
20 review and study of the statutes, constitutional provisions,
21 regulations and court decisions governing such programs,
22 agencies and issues. The committee shall oversee all aspects
23 of medical assistance programs and other health-related
24 programs of the human services department, the department of
25 health, the aging and long-term services department and the

.174828.3

underscored material = new
[bracketed material] = delete

1 children, youth and families department. The committee shall
2 make an annual report of its findings and recommendations and
3 recommend any necessary legislation to each session of the
4 legislature. The report and suggested legislation shall be
5 made available to the New Mexico legislative council on or
6 before December 15 preceding each session.

7 Section 3. [NEW MATERIAL] SUBCOMMITTEES.--Subcommittees
8 shall be created only by majority vote of all members appointed
9 to the committee and with the prior approval of the New Mexico
10 legislative council. A subcommittee shall be composed of at
11 least one member from the senate and one member from the house
12 of representatives, and at least one member of the minority
13 party shall be a member of the subcommittee. All meetings and
14 expenditures of a subcommittee shall be approved by the full
15 committee in advance of a meeting or an expenditure, and the
16 approval shall be shown in the minutes of the committee.

17 Section 4. [NEW MATERIAL] HEALTH UNIT.--

18 A. The legislative council service shall establish
19 a "health unit", staffed by persons knowledgeable and
20 proficient in the areas of health coverage and delivery of
21 health care services, health care economics, research, law or
22 policy analysis.

23 B. The health unit shall staff the legislative
24 health committee, conduct research and develop policy options
25 regarding health coverage and access to health care services,

.174828.3

underscored material = new
[bracketed material] = delete

1 provider supply and quality of health care services, health
2 coverage and other health issues.

3 Section 5. Section 2-17-1 NMSA 1978 (being Laws 1998,
4 Chapter 8, Section 21 and Laws 1998, Chapter 9, Section 21, as
5 amended by Laws 2003, Chapter 311, Section 1 and by Laws 2003,
6 Chapter 432, Section 1) is amended to read:

7 "2-17-1. [~~WELFARE REFORM~~] HUMAN SERVICES OVERSIGHT
8 COMMITTEE CREATED [~~TERMINATION~~].--The joint interim legislative
9 [~~welfare reform~~] "human services oversight committee" is
10 created. [~~The committee shall function from the date of its~~
11 ~~appointment until December 15 prior to the first session of the~~
12 ~~forty-ninth legislature.~~]"

13 Section 6. Section 2-17-2 NMSA 1978 (being Laws 1998,
14 Chapter 8, Section 22 and Laws 1998, Chapter 9, Section 22) is
15 amended to read:

16 "2-17-2. MEMBERSHIP--APPOINTMENT--VACANCIES.--

17 A. The [~~welfare reform~~] human services oversight
18 committee shall be composed of twelve members. The New Mexico
19 legislative council shall appoint six members from the house of
20 representatives and six members from the senate. At the time
21 of making the appointment, the legislative council shall
22 designate the [~~chairman~~] chair and vice [~~chairman~~] chair of the
23 committee.

24 B. Members shall be appointed from each house so as
25 to give the two major political parties in each house the same

.174828.3

underscored material = new
[bracketed material] = delete

1 proportionate representation on the committee as prevails in
2 each house; however, in no event shall either party have less
3 than one member from each house on the committee. At the
4 request of the committee [~~chairman~~] chair, members may be
5 removed from the committee by the New Mexico legislative
6 council for nonattendance according to council policy.

7 Vacancies on the committee, however caused, may be filled by
8 the legislative council, or the council may reduce the size of
9 the committee by not making replacement appointments and in
10 that case need not readjust party representation.

11 C. An action shall not be taken by the committee if
12 a majority of the total membership from either house on the
13 committee rejects that action."

14 Section 7. Section 2-17-3 NMSA 1978 (being Laws 1998,
15 Chapter 8, Section 23 and Laws 1998, Chapter 9, Section 23) is
16 amended to read:

17 "2-17-3. DUTIES.--

18 A. After its appointment, the [~~welfare reform~~]
19 human services oversight committee shall hold one
20 organizational meeting to develop a work plan and budget for
21 the ensuing interim. The work plan and budget shall be
22 submitted to the New Mexico legislative council for approval.
23 Upon approval of the work plan and budget by the legislative
24 council, the committee shall:

25 (1) examine the statutes, constitutional

.174828.3

underscored material = new
[bracketed material] = delete

1 provisions and rules governing [~~welfare reform~~] human services
2 in New Mexico;

3 (2) monitor and oversee the implementation of
4 the New Mexico Works Act;

5 (3) review issues related to [~~welfare reform~~]
6 human services, including job training programs and related
7 contracts; cash assistance; child care, transportation and
8 other job-related services; and other issues that arise because
9 of the devolution of the federal [~~welfare~~] human services
10 programs to the states; [~~and~~

11 ~~(4) make recommendations relating to the~~
12 ~~adoption of rules and legislation, if any are found to be~~
13 ~~necessary]~~

14 (4) conduct a continuing study of the
15 programs, agencies, policies, issues and needs relating to
16 human services in New Mexico, including review and study of the
17 statutes, constitutional provisions, regulations and court
18 decisions governing such programs, agencies, policies, issues
19 and needs;

20 (5) study the full continuum of programs and
21 services available and needed for children, families and the
22 aging population; and

23 (6) prepare and publish by December 15 of each
24 year for the upcoming legislative session an annual report of
25 its findings and recommendations relating to the adoption of

.174828.3

underscored material = new
[bracketed material] = delete

1 rules and legislation, if any are found to be necessary.

2 B. The committee shall regularly receive testimony
3 from the secretaries of human services; [~~labor~~] workforce
4 solutions; children, youth and families; [~~and~~] health; and [~~the~~
5 ~~superintendent of public instruction~~] public education on
6 issues arising from the implementation of the New Mexico Works
7 Act and shall review proposed rules, schedules and formulae
8 before adoption."

9 Section 8. Section 2-17-4 NMSA 1978 (being Laws 1998,
10 Chapter 8, Section 24 and Laws 1998, Chapter 9, Section 24) is
11 amended to read:

12 "2-17-4. SUBCOMMITTEES.--Subcommittees shall be created
13 only by majority vote of all members appointed to the [~~welfare~~
14 ~~reform~~] human services oversight committee and with the prior
15 approval of the New Mexico legislative council. A subcommittee
16 shall be composed of at least one member from the senate and
17 one member from the house of representatives, and at least one
18 member of the minority party shall be a member of the
19 subcommittee. Any meeting or expenditure of a subcommittee
20 shall be approved by the full committee in advance of that
21 meeting or expenditure, and the approval shall be shown in the
22 minutes of the committee."

23 Section 9. Section 2-17-6 NMSA 1978 (being Laws 1998,
24 Chapter 8, Section 26 and Laws 1998, Chapter 9, Section 26) is
25 amended to read:

.174828.3

