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FISCAL IMPACT REPORT

ORIGINAL DATE
 SPONSOR Wallace LAST UPDATED 02/02/11 HB 106

SHORT TITLE Extend Certain Board & Commission Sunsets SB _____

ANALYST Sanchez/Wilson

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY11	FY12		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

***All of the boards in this bill are self-sustaining. They generate revenues from fees.**

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Non-Rec	Fund Affected
FY11	FY12	FY13		
\$430.0	\$380.0	\$300.0	Recurring	Accountancy
\$123.0	\$105.0	\$123.0	Recurring	Athletic
\$28.0	\$25.0	\$28.0	Recurring	Interior Design
\$112.0	\$192.0	\$120.0	Recurring	Appraisers
\$835.0	\$1,023.0	\$800.0	Recurring	Real Estate
\$320.0	\$360.0	\$360.0	Recurring	Architects
\$650.0	\$790.0	\$829.0	Recurring	Engineers & Surveyors
\$329.9	\$329.9	\$329.9	Recurring	Veterinary

Relates to Appropriation in the General Appropriation Act

SOURCES OF INFORMATION

LFC Files

Responses Received From

Board of Examiners for Architects (BEA)

Regulation & Licensing Department (RLD)

State Board of Licensure for Professional Engineers and Surveyors (BLPES)

SUMMARY

Synopsis of Bill

House Bill 106 proposes to extend the life of six (6) specific boards and two (2) commissions. The eight (8) boards and commissions would be extended pursuant to the provisions of the Sunset Act with periods of extension of 6 years.

The following boards and commissions would be extended should this bill be enacted: Public Accountancy Board, Athletic Commission, Interior Design Board, Real Estate Appraisers Board, Real Estate Commission, Board of Examiners for Architects, State Board of Professional Engineers and Surveyors, and Board of Veterinary Medicine.

FISCAL IMPLICATIONS

All of the boards named above are self-sustaining. They generate revenues from fees.

RLD provided estimated revenues for FY12 based on an average of the revenue generated for the past three years

SIGNIFICANT ISSUES

The LFC Sunset Subcommittee held hearings on renewing the boards and commissions included in HB 106, resulting in a unanimous recommendation, supported by the whole LFC Committee that the Sunset dates be extended for all of these boards.

The LFC Sunset Subcommittee also tabled 4 boards administratively attached to RLD. These boards are Private Investigators, Thanatopractice (Funeral Homes), Naprapathic and Animal Sheltering.

All of these boards have a significant impact on the health and safety of the people of New Mexico. The purpose of these boards is to protect the public health, safety and welfare of the public and to provide for control, supervision, licensure and regulation of the practice of these professions.

RLD notes that only individuals who meet and maintain minimum standards of competence and conduct may engage in the practice of these professions.

RLD will be systematically reviewing all the existing boards that it oversees. RLD is planning to provide the Legislature with a plan for combining or eliminating Boards.

ADMINISTRATIVE IMPLICATIONS

Should any of the boards or commission not be continued, administrative duties for the maintenance of the board would cease. Some of the boards are independent and have their own staff, while others function under the administrative attachment to a department such as the Regulations and Licensing (RLD).

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

The Regulation and Licensing Department will introduce legislation during the 2011 Legislative Session extending the sunset dates of two (2) boards not recommended for extension in this bill. RLD's legislation will extend the sunset dates of the Thanatopractice Board and Private Investigators Boards. RLD will also introduce legislation that consolidates the Animal Sheltering Board under the Board of Veterinary Medicine.

ALTERNATIVES

According to RLD the legislature should consider adding the following amendments:

77-1B-12. Termination of agency life; delayed repeal. -- The animal sheltering board is terminated on July 1, ~~[2011]~~ 2017 pursuant to the Sunset Act. The board shall continue to operate according to the provisions of the Animal Sheltering Act until July 1, ~~[2012]~~ 2018. Effective July 1, ~~[2012]~~ 2018, the Animal Sheltering Act is repealed.

61-27B-36. Termination of agency life; delayed repeal. -- The private investigations advisory board is terminated on July 1, ~~[2011]~~ 2017 pursuant to the Sunset Act [12-9-11 NMSA 1978]. The board shall continue to operate according to the provisions of the Private Investigations Act [61-27B-1 NMSA 1978] until July 1, ~~[2012]~~ 2018. Effective July 1, ~~[2012]~~ 2018, Chapter 61, Article 27B NMSA 1978 is repealed.

61-32-31. Termination of agency life; delayed repeal. -- The board of thanatopractice is terminated on July 1, ~~[2011]~~ 2017, pursuant to the provisions of the Sunset Act [12-9-11 NMSA 1978]. The board shall continue to operate according to the provisions of Section 12-9-18 NMSA 1978 until July 1, ~~[2012]~~ 2018. Effective July 1, ~~[2012]~~ 2018, the Thanatopractice Act [61-32-1 NMSA 1978] is repealed.

61-12E-17. Termination of agency life; delayed repeal. -- The naprapathic practice board is terminated on July 1, ~~[2011]~~ 2017 pursuant to the Sunset Act [12-9-11 NMSA 1978]. The board shall continue to operate according to the Naprapathic Practice Act until July 1, ~~[2012]~~ 2018. Effective July 1, ~~[2012]~~ 2018, the Naprapathic Practice Act is repealed.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The Boards and Commissions listed would sunset July 1, 2011 and terminate June 30, 2012. The oversight of specific areas of responsibility with which the boards and commissions are tasked with would either cease, or would need to be reassigned elsewhere.

CS/DW/bym