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## FISCAL IMPACT REPORT

**SPONSOR** Burt **ORIGINAL DATE** 2/05/2021  
**LAST UPDATED** 3/11/2021 **HB** \_\_\_\_\_  
**SHORT TITLE** Sunset Dates For Certain Agencies **SB** 145/aSHPAC  
**ANALYST** Nichols

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY21	FY22	FY23	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	NFI	NFI	NFI			

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to Appropriation in the General Appropriation Act of 2021

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Regulation and Licensing Department (RLD)

### SUMMARY

#### Synopsis of SHPAC Amendment

The Senate Health and Public Affairs Committee amendment to Senate Bill 145 adds two boards for renewal – the Chiropractic Board and the Athletic Trainers Board. The two boards will now sunset on July 1, 2027, and operate according to the provisions of their professional acts until July 1, 2028.

#### Synopsis of Original Bill

The bill extends the sunset – expiration – dates for 10 boards and commissions that are currently scheduled to sunset on July 1, 2021.

The 10 boards and commissions, including new sunset dates, are

1. Office of Military Base Planning and Support and the Military Base Planning Commission, July 1, 2027
2. Nutrition and Dietetics Practice Board, July 1, 2027
3. Counseling and Therapy Practice Board, July 1, 2027
4. Board of Osteopathic Medicine, July 1, 2027

5. Respiratory Care Advisory Board, July 1, 2027
6. Massage Therapy Board, July 1, 2027
7. Physical Therapy Board, July 1, 2027
8. Speech-Language Pathology, Audiology, and Hearing Aid Dispensing Practices Board, July 1, 2027
9. Board of Examiners for Occupational Therapy, July 1, 2027
10. Board of Psychologist Examiners, July 1, 2027

Under the Sunset Act (Section 12-9-11 through 12-9-21 NMSA 1978), the above-mentioned boards would sunset on July 1, 2027, but continue to operate according to the provisions of their respective acts under a one-year wind-up period until July 1 2028.

### **FISCAL IMPLICATIONS**

There are no identified fiscal implications.

### **SIGNIFICANT ISSUES**

In October 2020, LFC held a sunset review subcommittee to review extending the sunset date for 12 boards and commissions. The subcommittee recommended extending the sunset date for 10 boards and commissions and took no action on two boards.

Eleven of the boards reviewed are attached to the Regulation and Licensing Department (RLD). The Office of Military Base Planning and Support (OMBPS) and the Military Base Planning Commission are administratively attached to the Economic Development Department.

Regarding the two boards for which the subcommittee did not recommend extending the sunset date – the Chiropractic Board and the Athletic Trainers Board – the subcommittee was concerned with the fact infrequency of board meetings and, in the case of the Athletic Trainers Board, the number of vacant or expired term board positions. RLD has since provided updates indicating the boards have scheduled more frequent meetings going forward, and both boards are full. Pursuant to the Sunset Act, the two boards will sunset on July 1, 2021, but will continue to operate according to the provisions of their respective acts until July 1, 2022. If the Legislature chooses not to extend the sunset dates for the two boards during the 2021 session, it would be possible to consider extending their sunset dates during the 2022 legislative session.

### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

House Bill 147 amends the Nutrition and Dietetics Practice Act and also extends the sunset date of the Nutrition and Dietetics Practice Board to July 1, 2026, with continued board operations until July 1, 2027. SB145 extends the sunset date of the board to July 1, 2027, with continued board operations until July 1, 2028.

House Bill 178 amends the Counseling and Therapy Practice Act to clarify and update requirements for applicants and also extends the sunset date of the Counseling and Therapy Practice Board to July 1, 2027, with continued board operations until July 1, 2028.

Senate Bill 60 would enter New Mexico into a national physical therapy to facilitate interstate practice of physical therapy.

The General Appropriation Act of 2021 provides funding for RLD in FY22, which includes boards and commissions attached to the department. The General Appropriation Act of 2021 appropriates funds for the operations of the Office of Military Base Planning and Support and the Military Base Planning Commission in FY22.

### **OTHER SUBSTANTIVE ISSUES**

In New Mexico, the Sunset Act (Section 12-9-11 through 12-9-21 NMSA 1978) requires periodic review of agencies and regulatory boards. The act requires LFC to hold a public hearing, receive testimony from the public and the head of the regulatory agency involved, and make a recommendation to the next session of the Legislature for the sunset or continuance of the agency prior to its termination date.

The purpose of boards attached to RLD is to protect the public health, safety, and welfare of the public through the control, supervision, licensure, and regulation of the practice of these professions. In 2017, RLD's Boards and Commissions Division was reorganized to create five internal teams (licensing, financial, board administration, compliance, and training), and boards and commissions no longer have specific personnel assigned to them apart from a board administrator. Boards are funded through licensing and other fee revenue.

OMBPS was established in 2003 (Section 9-15-48 NMSA 1978) and supports the Military Base Planning Commission (Section 9-15-49 NMSA 1978) to facilitate the longevity and growth of New Mexico's military installations, provide advice to the governor regarding military installations, and support affected communities. The office has one employee, an executive director, and the commission has 12 members.

### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

If sunset dates are not extended for boards and commissions, the entities will sunset in July 2021 and cease operations in July 2022, after which point there would no longer be a board to provide oversight and licensure of certain professions, nor would there be statutes regulating the profession. RLD could take on the responsibility for providing some oversight and licensing functions in the absence of specialized boards.

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