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HOUSE BILL 1074

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

TERRY T. MARQUARDT

AN ACT

**RELATING TO HEALTH ADMINISTRATION; TRANSFERRING FUNCTIONS,
PROPERTY AND LEGAL REFERENCES OF THE FIELD OPERATIONS DIVISION
AND THE RADIATION LICENSING AND REGISTRATION PROGRAM OF THE
DEPARTMENT OF ENVIRONMENT, THE TRAFFIC SAFETY BUREAU AND THE
LOCAL DWI GRANT PROGRAM; ADMINISTRATIVELY ATTACHING THE STATE
AGENCY ON AGING TO THE DEPARTMENT OF HEALTH; REPEALING CERTAIN
PROVISIONS PERTAINING TO REHABILITATION CENTERS, COMMUNITY
PROVIDER RATES AND HEALTH STUDIES; AMENDING, REPEALING AND
ENACTING SECTIONS OF THE NMSA 1978; REPEALING SECTIONS OF LAWS
1994, CHAPTER 62.**

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

**Section 1. Section 9-7-3 NMSA 1978 (being Laws 1977,
Chapter 253, Section 3, as amended) is amended to read:**

"9-7-3. PURPOSE. --The purpose of the Department of Health

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1 Act is to establish a single, unified department to administer
2 the laws and exercise the functions relating to health formerly
3 administered and exercised by various organizational units of
4 state government, including ~~[the state health agency, the~~
5 ~~scientific laboratory system and an appropriate allocation of~~
6 ~~administrative support services of the health and social~~
7 ~~services department and the hospital and institutions~~
8 ~~department. All public health, behavioral health and scientific~~
9 ~~laboratory functions formerly performed by the health and~~
10 ~~environment department shall be performed by]~~ the department of
11 health; the field operations division and the radiation
12 licensing and registration program of the department of
13 environment; the traffic safety bureau of the state highway and
14 transportation department; the local DWI grant program of the
15 department of finance and administration; and the substance
16 abuse prevention and treatment programs for children and
17 youths. "

18 Section 2. Section 9-7-4 NMSA 1978 (being Laws 1991,
19 Chapter 25, Section 16) is amended to read:

20 "9-7-4. DEPARTMENT ESTABLISHED. --

21 A. There is created in the executive branch the
22 "department of health". The department shall be a cabinet
23 department ~~[and shall include, but not be limited to, the~~
24 ~~programs and functions of the public health division, the~~
25 ~~behavioral health services division and the scientific~~

. 114234. 2

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1 ~~laboratory~~].

2 B. ~~[All references in the law to the "health~~
3 ~~services division" shall be construed to be references to the~~
4 ~~"public health division".]~~ All references in the law to the
5 behavioral health services division of the department of health,
6 the community health systems division of the department of
7 health, the developmental disabilities division of the
8 department of health, the division of epidemiology, planning and
9 evaluation of the department of health, the long-term care and
10 restorative services division of the department of health, the
11 mental health division of the department of health, the public
12 health division of the department of health, the scientific
13 laboratory division of the department of health, the health
14 services division of the health and environment department, the
15 public health division of the health and environment department,
16 the behavioral health services division of the health and
17 environment department, the state department of public health,
18 the public health department ~~[the health services division]~~ or
19 the state board of health shall be construed as referring to the
20 department ~~[of health]~~.

21 C. The administrative services division of the
22 department ~~[of health]~~ shall provide clerical, recordkeeping and
23 administrative support to the department ~~[of health and to the~~
24 ~~department of environment, including, but not limited to, the~~
25 ~~areas of personnel, budget, procurement and contracting]~~.

. 114234. 2

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1 D. The secretary may organize the department and its
2 divisions and may transfer or merge functions between divisions
3 in the interest of efficiency and economy.

4 E. The governor may merge divisions and abolish or
5 create divisions of the department by executive order in the
6 interest of efficiency and economy."

7 Section 3. A new section of the Department of Health Act,
8 Section 9-7-4.1 NMSA 1978, is enacted to read:

9 "9-7-4.1. [NEW MATERIAL] ADMINISTRATIVELY ATTACHED
10 AGENCY.--The state agency on aging is administratively attached
11 to the department."

12 Section 4. Section 9-7-6 NMSA 1978 (being Laws 1977,
13 Chapter 253, Section 7, as amended) is amended to read:

14 "9-7-6. SECRETARY--DUTIES AND GENERAL POWERS. --

15 A. The secretary is responsible to the governor for
16 the operation of the department. It is his duty to manage all
17 operations of the department and to administer and enforce the
18 laws with which he or the department is charged.

19 B. To perform his duties, the secretary has every
20 power expressly enumerated in the laws, whether granted to the
21 secretary or the department or any division of the department,
22 except where authority conferred upon any division is explicitly
23 exempted from the secretary's authority by statute. In
24 accordance with these provisions, the secretary shall:

25 (1) except as otherwise provided in the

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1 Department of Health Act, exercise general supervisory and
2 appointing authority over all department employees, subject to
3 any applicable personnel laws and regulations;

4 (2) delegate authority to subordinates as he
5 deems necessary and appropriate, clearly delineating such
6 delegated authority and the limitations thereto;

7 (3) organize the department into those
8 organizational units he deems will enable it to function most
9 efficiently, subject to any provisions of law requiring or
10 establishing specific organizational units;

11 (4) within the limitations of available
12 appropriations and applicable laws, employ and fix the
13 compensation of those persons necessary to discharge his duties;

14 (5) take administrative action by issuing
15 orders and instructions, not inconsistent with the law, to
16 assure implementation of and compliance with the provisions of
17 law for which administration or execution he is responsible and
18 to enforce those orders and instructions by appropriate
19 administrative action [~~or actions~~] in the courts;

20 (6) conduct research and studies that will
21 improve the operations of the department and the provision of
22 services to the citizens of the state;

23 (7) provide courses of instruction and
24 practical training for employees of the department and other
25 persons involved in the administration of programs with the

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1 objective of improving the operations and efficiency of
2 administration;

3 (8) prepare an annual budget of the department;

4 (9) appoint, with the governor's consent, a
5 "director" for each division. These appointed positions are
6 exempt from the provisions of the Personnel Act. Persons
7 appointed to these positions shall serve at the pleasure of the
8 secretary;

9 (10) give bond in the penal sum of twenty-five
10 thousand dollars (\$25,000) and require directors to each give
11 bond in the penal sum of ten thousand dollars (\$10,000)
12 conditioned upon the faithful performance of duties, as provided
13 in the Surety Bond Act. The department shall pay the costs of
14 those bonds; and

15 (11) require performance bonds of such
16 department employees and officers as he deems necessary, as
17 provided in the Surety Bond Act. The department shall pay the
18 costs of those bonds.

19 C. The secretary may apply for and receive, with the
20 governor's approval, in the name of the department any public or
21 private funds, including but not limited to United States
22 government funds, available to the department to carry out its
23 programs, duties or services.

24 D. The secretary shall be responsible for providing
25 appropriate educational programs for all school age persons, as

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1 defined in Section 22-1-2 NMSA 1978, who are clients, as defined
2 in Section 43-1-3 NMSA 1978, [øf] or receiving services pursuant
3 to the Children's Mental Health and Developmental Disabilities
4 Act from institutions under his authority as follows:

5 (1) he shall arrange with school districts for
6 the enrollment of all school age residents of institutions under
7 his authority who have been evaluated and recommended for
8 placement in a public school according to the provisions of the
9 Department of Health Education Act. He shall notify the
10 superintendent of public instruction prior to public school
11 enrollment of any school age resident under his authority; and

12 (2) he shall provide educational programs, in
13 accordance with the special education regulations of the state
14 board of education, for school age persons who are clients of
15 institutions under his authority but who are enrolled in a
16 public school by:

17 (a) using the facilities and personnel of
18 the department;

19 (b) contracting with a school district
20 for the provision of educational services; or

21 (c) using a combination of Subparagraphs
22 (a) and (b) of this ~~[subsection]~~ paragraph.

23 E. The secretary may make and adopt such reasonable
24 and procedural rules and regulations as may be necessary to
25 carry out the duties of the department and its divisions. No

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1 rule or regulation promulgated by the director of any division
2 in carrying out the functions and duties of the division shall
3 be effective until approved by the secretary unless otherwise
4 provided by statute. Unless otherwise provided by statute, no
5 regulation affecting any person or agency outside the department
6 shall be adopted, amended or repealed without a public hearing
7 on the proposed action before the secretary or a hearing officer
8 designated by him. The public hearing shall be held in Santa Fe
9 unless otherwise permitted by statute. Notice of the subject
10 matter of the regulation, the action proposed to be taken, the
11 time and place of the hearing, the manner in which interested
12 persons may present their views and the method by which copies
13 of the proposed regulation, proposed amendment or repeal of an
14 existing regulation may be obtained shall be published once at
15 least thirty days prior to the hearing date in a newspaper of
16 general circulation and mailed at least thirty days prior to the
17 hearing date to all persons who have made a written request for
18 advance notice of hearing. All rules and regulations shall be
19 filed in accordance with the State Rules Act. "

20 Section 5. Section 9-7-12 NMSA 1978 (being Laws 1977,
21 Chapter 253, Section 13, as amended) is amended to read:

22 "9-7-12. COOPERATION WITH THE FEDERAL GOVERNMENT--
23 AUTHORITY OF SECRETARY--SINGLE STATE AGENCY STATUS. --

24 A. The department is authorized to cooperate with
25 the federal government in the administration of health and

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1 medical assistance programs in which financial or other
2 participation by the federal government is authorized or
3 mandated under state or federal laws, regulations, rules or
4 orders. The secretary may enter into agreements with agencies
5 of the federal government to implement health and medical
6 assistance programs, subject to availability of appropriated
7 state funds and any provisions of state laws applicable to such
8 agreements or participation by the state.

9 B. The governor or the secretary may by appropriate
10 order designate the department or any organizational unit of the
11 department as the single state agency for the administration of
12 any health or medical assistance program when such designation
13 is a condition of federal financial or other participation in
14 the program under applicable federal law, regulation, rule or
15 order. Whether or not a federal condition exists, the governor
16 may designate the department or any organizational unit of the
17 department as the single state agency for the administration of
18 any health or medical assistance program. No designation of a
19 single state agency under the authority granted in this section
20 shall be made in contravention of state law."

21 Section 6. Section 9-8-8 NMSA 1978 (being Laws 1977,
22 Chapter 252, Section 9, as amended) is amended to read:

23 "9-8-8. ADMINISTRATIVELY ATTACHED AGENCIES. --The office of
24 Indian affairs and the commission on the status of women [~~and~~
25 ~~the state agency on aging~~] are administratively attached to the

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1 human services department in accordance with the Executive
2 Reorganization Act. "

3 Section 7. Section 11-6A-2 NMSA 1978 (being Laws 1993,
4 Chapter 65, Section 2) is amended to read:

5 "11-6A-2. DEFINITIONS. --As used in the Local DWI Grant
6 Program Act:

7 A. "council" means the DWI grant council; [and]

8 B. "[~~division~~] department" means the [~~local~~
9 ~~government division of the~~] department of [~~finance and~~
10 ~~administration~~] health; and

11 C. "secretary" means the secretary of health. "

12 Section 8. Section 11-6A-3 NMSA 1978 (being Laws 1993,
13 Chapter 65, Section 3) is amended to read:

14 "11-6A-3. LOCAL DWI GRANT PROGRAM - FUND. --

15 A. The [~~division~~] department shall establish a local
16 DWI grant program to make grants to municipalities or counties
17 for new, innovative or model programs, services or activities to
18 prevent or reduce the incidence of DWI, alcoholism and alcohol
19 abuse. Grants shall be awarded by the council pursuant to the
20 advice and recommendations of the [~~division~~] department.

21 B. The "local DWI grant fund" is created in the
22 state treasury and shall be administered by the [~~division~~]
23 department. Money in the fund is appropriated to the [~~division~~]
24 department to make grants to municipalities and counties upon
25 council approval in accordance with the program established

. 114234. 2

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1 under the Local DWI Grant Program Act. No more than five
2 percent of any appropriation to the fund in any fiscal year
3 shall be expended for administration of the grant program.
4 Balances in the fund at the end of any fiscal year shall not
5 revert to the general fund.

6 C. In awarding DWI grants to local communities, the
7 council:

8 (1) may fund new, innovative or model programs,
9 services or activities of any kind designed to prevent or reduce
10 the incidence of DWI, alcoholism or alcohol abuse;

11 (2) may fund existing community-based programs,
12 services or facilities for prevention, screening and treatment
13 of alcoholism and alcohol abuse;

14 (3) shall give consideration to a broad range
15 of approaches to prevention, education, screening, treatment or
16 alternative sentencing, including programs that combine
17 incarceration, treatment and aftercare, to address the
18 [~~problems~~] problem of DWI, alcoholism or alcohol abuse; and

19 (4) shall make grants only to counties or
20 municipalities in counties that have established a DWI planning
21 council and adopted a county DWI plan or are parties to a
22 multicounty DWI plan that has been approved pursuant to the
23 Alcoholism and Alcohol Abuse Prevention, Screening and Treatment
24 Act and only for programs, services or activities consistent
25 with that plan. "

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1 Section 9. Section 11-6A-4 NMSA 1978 (being Laws 1993,
2 Chapter 65, Section 4) is amended to read:

3 "11-6A-4. DWI GRANT COUNCIL--MEMBERSHIP--DUTIES. --

4 A. The "DWI grant council" is created and shall
5 consist of the president of the New Mexico municipal league, the
6 president of the New Mexico association of counties, the
7 secretary of health or the secretary's designee, the secretary
8 of finance and administration or the secretary's designee, a
9 representative of the [~~chief of the traffic safety bureau of the~~
10 ~~state highway and transportation~~] department of health and two
11 representatives of local governing bodies who shall be appointed
12 by the governor so as to provide geographic diversity.

13 B. Appointed members shall be appointed to [~~a~~] two-
14 year [~~term~~] terms. In the event of a vacancy, the governor
15 shall appoint a member for the remainder of the term.

16 C. The council shall meet as necessary to receive
17 applications, consider grant requests and award DWI grants
18 pursuant to the Local DWI Grant Program Act. All actions of the
19 council require the affirmative vote of a majority of the
20 members of the council.

21 D. Members of the council shall be reimbursed for
22 per diem and mileage in accordance with the Per Diem and Mileage
23 Act. "

24 Section 10. Section 11-6A-5 NMSA 1978 (being Laws 1993,
25 Chapter 65, Section 5) is amended to read:

. 114234. 2

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1 "11-6A-5. ADMINISTRATION OF DWI GRANT PROGRAM -
2 REGULATIONS. --

3 A. The [~~division~~] department shall administer the
4 DWI grant program and shall serve as staff to the council.

5 B. The [~~division~~] department, with the advice and
6 approval of the council, shall adopt regulations necessary for
7 operation of the grant program, including:

8 (1) forms and procedures for the application
9 process for the grant program;

10 (2) documentation to be provided by the
11 applicant to assure compliance with the grant guidelines and
12 other provisions of the Local DWI Grant Program Act;

13 (3) procedures and guidelines for review,
14 evaluation and approval of grant awards;

15 (4) procedures and guidelines for oversight,
16 evaluation and audit of DWI grantees to assure that grants are
17 being administered in the manner and for the purposes that the
18 grant was awarded; and

19 (5) design of an evaluation mechanism for DWI
20 grant programs and services and submission by each grantee of an
21 annual report on each grant program or service and its
22 effectiveness and outcomes. "

23 Section 11. Section 24-3B-4 NMSA 1978 (being Laws 1978,
24 Chapter 211, Section 4) is amended to read:

25 "24-3B-4. FUND CREATED--USE--CALCULATION. --

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1 A. There is created the "department of health [~~and~~
2 ~~environment department~~] education fund" in the state treasury.

3 B. The fund shall be used solely to provide
4 educational services to institution-bound residents of the state
5 institutions under the authority of the secretary.

6 C. The secretary shall distribute the fund to
7 institutions under his authority within limits established by
8 law.

9 D. The secretary shall determine the allocation to
10 each institution from the fund according to the annual program
11 cost of that institution as calculated on September 15 of the
12 fiscal year.

13 E. The annual program cost for each institution
14 shall be determined by the following calculation:

15 number of dollar value annual
16 institution-bound x 3.9 x per = program
17 residents program unit cost.

18 F. The dollar value per program unit shall be the
19 same as the dollar value per program unit [~~as~~] established by
20 the legislature for the state equalization guarantee.

21 G. Each director of each state institution under the
22 authority of the secretary shall submit annually, on or before
23 October 15, to the secretary an estimate for the succeeding
24 fiscal year of the number of institution-bound residents and any
25 other information necessary to calculate annual program cost.

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1 H. The secretary shall submit annually, on or before
2 November 15, to the department of finance and administration the
3 recommendations of the department regarding the fund for the
4 succeeding fiscal year, for inclusion in the executive budget
5 document. "

6 Section 12. Section 28-4-1 NMSA 1978 (being Laws 1969,
7 Chapter 55, Section 2) is amended to read:

8 "28-4-1. [~~COMMISSION~~] STATE AGENCY ON AGING--DUTIES.--The
9 [~~commission~~] state agency on aging shall establish and maintain
10 a comprehensive statewide program designed to meet the social
11 service needs of the state's aged population. Not by way of
12 limitation, the [~~commission~~] agency shall:

13 A. strengthen and coordinate services of state and
14 local public bodies for the benefit of the aged;

15 B. promote the utilization of older persons in all
16 phases of employment;

17 C. disseminate information to the aged relative to
18 federal, state and local services for the aged;

19 D. encourage training programs, retraining programs
20 and opportunities for older workers;

21 E. develop new methods of job placement for older
22 workers;

23 F. promote public recognition of the advantages of
24 hiring and retaining older workers; and

25 G. promote and develop programs of community

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1 resources and facilities designed to meet the social needs of
2 older persons. "

3 Section 13. Section 28-4-4 NMSA 1978 (being Laws 1979,
4 Chapter 203, Section 1) is amended to read:

5 "28-4-4. AGENCY CREATED. --There is created as an entity of
6 state government the "state agency on aging", which shall be
7 administratively attached to the [~~human services~~] department of
8 health. The administrative head of the agency shall be the
9 director, who shall be appointed by and serve at the pleasure of
10 the governor. "

11 Section 14. Section 31-12-9 NMSA 1978 (being Laws 1981,
12 Chapter 367, Section 3, as amended) is amended to read:

13 "31-12-9. CRIME LABORATORY FUND CREATED--APPROPRIATION. --
14 There is created in the state treasury the "crime laboratory
15 fund". All fees collected pursuant to the provisions of
16 Sections 31-12-7 and 31-12-8 NMSA 1978 shall be transmitted
17 monthly to the administrative office of the courts for credit to
18 the crime laboratory fund. All balances in the crime laboratory
19 fund of fees collected pursuant to the provisions of Subsection
20 A of Section 31-12-7 NMSA 1978 are appropriated to the
21 administrative office of the courts for payment upon invoice to
22 the scientific laboratory [~~division~~] of the [~~health and~~
23 ~~environment~~] department of health, the New Mexico state police
24 crime laboratory division and the Albuquerque police crime
25 laboratory for costs related to chemical and other tests and

. 114234. 2

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1 analyses described in those sections and incurred by these
2 laboratories and local law enforcement agencies. Payments out
3 of the crime laboratory fund of fees collected pursuant to the
4 provisions of Subsection A of Section 31-12-7 NMSA 1978 shall be
5 made on vouchers issued and signed by the director of the
6 administrative office of the courts upon warrants drawn by the
7 department of finance and administration. All balances in the
8 crime laboratory fund of fees collected pursuant to the
9 provisions of Subsection B of Section 31-12-7 NMSA 1978 are
10 appropriated to the [~~traffic safety bureau of the transportation~~
11 ~~program division of the state highway and transportation~~]
12 department of health to provide funds to approved comprehensive
13 community programs for the prevention of driving while under the
14 influence of alcohol or drugs and for other traffic safety
15 purposes. Payment out of the crime laboratory fund of fees
16 collected pursuant to the provisions of Subsection B of Section
17 31-12-7 NMSA 1978 shall be made on vouchers issued and signed by
18 the [~~chief of the traffic safety bureau~~] secretary of health or
19 his designee upon warrants drawn by the department of finance
20 and administration. "

21 Section 15. Section 66-7-503 NMSA 1978 (being Laws 1978,
22 Chapter 35, Section 490, as amended) is amended to read:

23 "66-7-503. DEFINITIONS. --As used in the Traffic Safety
24 Act:

25 [A. ~~"bureau" means the traffic safety bureau of the~~

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1 ~~department;~~

2 B. ~~"chief" means the administrative head of the~~
3 ~~bureau;~~

4 C.] A. "committee" means the advisory committee to
5 the ~~[bureau and]~~ department;

6 [D.] B. "department" means the ~~[state highway and~~
7 ~~transportation]~~ department of health; and

8 C. "secretary" means the secretary of health."

9 Section 16. Section 66-7-510 NMSA 1978 (being Laws 1978,
10 Chapter 35, Section 497) is amended to read:

11 "66-7-510. ~~[BUREAU]~~ DEPARTMENT- - INFORMATION REQUEST. -- The
12 ~~[chief, with the approval of the director]~~ secretary may request
13 all information pertinent to the traffic safety program ~~[of the~~
14 ~~bureau]~~ in the performance of its duties and functions, and this
15 information shall be furnished by any officer, agent or employee
16 of ~~[the]~~ this state. "

17 Section 17. Section 66-7-512 NMSA 1978 (being Laws 1990,
18 Chapter 57, Section 1) is amended to read:

19 "66-7-512. TRAFFIC SAFETY EDUCATION AND ENFORCEMENT FUND
20 CREATED. --

21 A. There is created in the state treasury the
22 "traffic safety education and enforcement fund". The fund shall
23 be invested in accordance with the provisions of Section 6-10-10
24 NMSA 1978 and all income earned on the fund shall be credited to
25 the fund.

. 114234. 2

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1 B. The traffic safety education and enforcement fund
2 shall be used to institute and promote a statewide program of
3 traffic safety through education and enforcement to reduce
4 serious and fatal traffic accidents and to provide for the
5 purchase of equipment and support services as are necessary to
6 establish and maintain the program.

7 C. No less than fifty percent of the money deposited
8 in the traffic safety education and enforcement fund shall be
9 allocated to the law enforcement agency that issued the citation
10 [provided] if the agency has submitted a traffic safety program
11 plan [which] that is approved by the [~~traffic safety bureau of~~
12 ~~the state highway and transportation~~] department of health. Law
13 enforcement agencies shall use the money allocated from the fund
14 to purchase equipment and support services as are necessary to
15 establish and maintain a traffic safety program.

16 D. No less than twenty percent of the money
17 deposited in the traffic safety education and enforcement fund
18 shall be allocated to institute and promote traffic safety
19 education programs.

20 E. The balance of the money deposited in the traffic
21 safety education and enforcement fund shall be allocated to
22 existing traffic safety programs.

23 F. The [~~traffic safety bureau of the state highway~~
24 ~~and transportation~~] department of health shall adopt all rules,
25 regulations and policies necessary to administer a statewide

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1 traffic program

2 G. All money credited to the traffic safety
3 education and enforcement fund shall be appropriated to the
4 [~~traffic safety bureau of the state highway and transportation~~]
5 department of health for the purpose of carrying out the
6 provisions of this section and shall not revert to the general
7 fund. "

8 Section 18. TEMPORARY PROVISION-- TRANSFERS OF CERTAIN
9 DEPARTMENT OF ENVIRONMENT PERSONNEL, APPROPRIATIONS, PERSONAL
10 PROPERTY, CONTRACTS AND LEGAL REFERENCES TO THE DEPARTMENT OF
11 HEALTH. --

12 A. On the effective date of this act:

13 (1) all personnel, appropriations and personal
14 property belonging to or pertaining to the field operations
15 division and the radiation licensing and registration program of
16 the department of environment are transferred to the department
17 of health;

18 (2) all existing rules and regulations,
19 contracts and agreements in effect for the field operations
20 division and radiation licensing and registration program of the
21 department of environment shall be binding on the department of
22 health; and

23 (3) all references in the law pertaining to the
24 field operations division and the radiation licensing and
25 registration program of the department of environment shall be

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1 construed to mean the department of health.

2 B. In order to implement the provisions of this act
3 without an increase in general fund appropriations, during
4 fiscal year 1998 the governor by executive order may transfer
5 any personnel, functions, powers and duties, contracts,
6 agreements, grants, appropriations, funds, property, equipment
7 and supplies from the department of environment to the
8 department of health.

9 Section 19. TEMPORARY PROVISION-- TRANSFERS OF CERTAIN
10 STATE HIGHWAY AND TRANSPORTATION DEPARTMENT PERSONNEL,
11 APPROPRIATIONS, PERSONAL PROPERTY, CONTRACTS AND LEGAL REFERENCES
12 TO THE DEPARTMENT OF HEALTH.-- On the effective date of this act:

13 A. all personnel, appropriations and personal
14 property belonging to or pertaining to the traffic safety bureau
15 of the state highway and transportation department shall be
16 transferred to the department of health;

17 B. all existing rules and regulations, contracts and
18 agreements in effect for the traffic safety bureau of the state
19 highway and transportation department shall be binding on the
20 department of health; and

21 C. all references in the law to the state highway and
22 transportation department regarding responsibility for the
23 traffic safety bureau shall be construed to mean the department
24 of health.

25 Section 20. TEMPORARY PROVISION-- TRANSFERS OF CERTAIN

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1 DEPARTMENT OF FINANCE AND ADMINISTRATION PERSONNEL,
2 APPROPRIATIONS, PERSONAL PROPERTY, CONTRACTS AND LEGAL REFERENCES
3 TO THE DEPARTMENT OF HEALTH. --

4 A. On the effective date of this act:

5 (1) all personnel, appropriations and personal
6 property belonging to or pertaining to the local DWI grant
7 program of the department of finance and administration are
8 transferred to the department of health;

9 (2) all existing rules and regulations,
10 contracts and agreements in effect for the local DWI grant
11 program shall be binding on the department of health; and

12 (3) all references in the law to the local DWI
13 grant program or pertaining to the local DWI grant program shall
14 be construed to mean the department of health.

15 B. In order to implement the provisions of this act
16 without an increase in general fund appropriations, during fiscal
17 year 1998 the governor by executive order may transfer any
18 personnel, functions, powers and duties, contracts, agreements,
19 grants, appropriations, funds, property, equipment and supplies
20 from the department of finance and administration to the
21 department of health.

22 Section 21. TEMPORARY PROVISION--BUDGET AUTHORITY.--
23 Notwithstanding any provisions of the General Appropriation Act
24 of 1997 or Sections 6-3-23 through 6-3-25 NMSA 1978, the
25 secretary of health may transfer expenditure authority and

. 114234.2

Underscored material = new
[bracketed material] = delete

1 related appropriations between entities of the department of
2 health and among the expenditure categories during fiscal year
3 1998.

4 Section 22. REPEAL. --

5 A. Sections 9-7-10.1, 9-7-16, 28-4-2 and 28-4-3 NMSA
6 1978 (being Laws 1983, Chapter 156, Section 1, Laws 1992, Chapter
7 82, Section 1, Laws 1977, Chapter 252, Section 17 and Laws 1969,
8 Chapter 55, Section 3, as amended) are repealed.

9 B. Laws 1994, Chapter 62, Sections 23 through 27 are
10 repealed.

11 Section 23. SEVERABILITY. -- If any part or application of
12 this act is held invalid, the remainder of its applications to
13 other situations or persons shall not be affected.

14 Section 24. EFFECTIVE DATE. --

15 A. The effective date of the provisions of Sections 1
16 through 4 and 6 through 23 of this act is July 1, 1997.

17 B. The effective date of the provisions of Section 5
18 of this act is July 1, 1998.

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