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FISCAL IMPACT REPORT

ORIGINAL DATE 3/02/2007

SPONSOR Altamirano LAST UPDATED 3/15/2007 HB _____

SHORT TITLE Regulatory Reform Task Force SB SM 62/aSFI

ANALYST Schuss

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY07	FY08	FY09	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total	Unknown	Unknown			Non- Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

SUMMARY

Synopsis of SFI Amendment

The amendment proposed by the Senate Floor increases the regulatory reform task force to 22 members.

The following are to be added to the task force:

- two members, appointed by the Governor, representing the environmental justice community;
- the State Engineer or a designee of the State Engineer;
- the Secretary of Environment or a designee of the Secretary of Environment;
- the Secretary of Energy, Minerals and Natural Resources or a designee of the Secretary of Energy, Minerals and Natural Resources;
- the Secretary of Health or a designee of the Secretary of Health;
- the Secretary of Human Services or a designee of the Secretary of Human Services

Synopsis of Original Bill

Senate Memorial 62 requests that the New Mexico Legislative Council convene a task force to

make recommendations on regulatory reform

FISCAL IMPLICATIONS

The creation of a task force will have an unknown fiscal impact to the general fund. This will depend on how many of the 15 members will be eligible for per diem and mileage expenses. Recommendations by the task force will also have potential fiscal impacts.

SIGNIFICANT ISSUES

Senate Memorial 62 states that in 1969, New Mexico adopted the Administrative Procedures Act, which is comprehensive legislation providing for uniform administrative procedures based on the 1961 Model State Act adopted by the National Conference of Commissioners on uniform state laws. The Legislature exempted most administrative actions from coverage under the Administrative Procedures Act.

SM 62 states that the scope and complexity of administrative responsibility has substantially increased since 1969 and the Legislature needs to reconsider whether the Administrative Procedures Act should apply to most, if not all, agencies. The Legislature also needs to consider whether other broad-based regulatory reform will enhance consistency and predictability with respect to administrative actions.

The Senate of the State of New Mexico requests that the New Mexico Legislative Council be requested to convene a regulatory task force to make recommendations on reform of administrative rulemaking, licensing, enforcement and adjudication processes, including any necessary reforms to administrative procedures as recommended by the National Conference of Commissioners on uniform state laws and the American Bar Association.

SM 62 requests that the regulatory reform task force be limited to fifteen members, including:

- one member, appointed by the Governor, who represents the public interest;
- one member, appointed by the Governor, who represents the business community;
- one member, appointed by the Governor, who is an attorney licensed to practice law in the State of New Mexico;
- three members, appointed by the Governor, who represent the interests of the agencies, boards and commissions;
- the Attorney General or a designee of the Attorney General;
- three Senators, appointed by the President Pro Tempore of the Senate, with at least one of the senators coming from the minority party;
- one person, appointed by the President Pro Tempore of the Senate who is not a legislator;
- three Representatives, appointed by the Speaker of the House of Representatives, who is not a legislator

The regulatory reform task force is requested to report its findings and conclusions and any recommended legislation to the appropriate interim legislative committee by October 2007.