

LFC Requester:	Ellen Rabin
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**AGENCY BILL ANALYSIS
2019 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:
Original **Amendment** _____
Correction _____ **Substitute** _____

Date 2/19/19
Bill No: SB345

Sponsor: Sen. Linda M. Lopez
Short HISPANIC AFFAIRS
Title: DEPARTMENT ACT

Agency Code: 924
Person Writing Daniel Manzano
Phone: 505-670-3820 **Email** Daniel.Manzano@state.nm.us

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY19	FY20		
	\$700.0	Reverting	General Fund

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY19	FY20	FY21		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: HB 159, SJM 2, the Hispanic Education Act, 22-23B NMSA 1978, and Bilingual Multicultural Education Act, 22-23 NMSA 1978.
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: SB345 proposes to create the Hispanic Affairs Department headed by a cabinet Secretary appointed by the Governor, creates a Hispanic Affairs Commission, and makes a \$700.0 appropriation.

FISCAL IMPLICATIONS

SB 345 appropriates \$700 thousand dollars to establish a Hispanic Affairs Department. The members of the Hispanic Affairs Commission created by this bill are entitled to receive per diem and mileage reimbursement according to the Per Diem and Mileage Act.

SIGNIFICANT ISSUES

SB 345 does three main things, all of which are related: created a Hispanic Affairs Department, a Hispanic Affairs Commission and makes an appropriation to support these executive organization actions proposed.

Hispanic Affairs Department. Section 2 of the bill proposes to create a new state agency headed by a Secretary appointed by the Governor. The purpose of the new department would be to create a “single, unified department” (p. 1, lines 19-20) that would be “dedicated to improving education achievement gaps and health care” (p. 1., 22-23) as well as “reducing poverty rates among Hispanics in New Mexico” (p. 1, line 24). In a later section the bill, the new department **shall** address are “problems” of health, economy, and education are also outlined in Section 7 of the bill (p.6, line 18). Further, the department **may** also take more broad actions such as “do all things right and proper to expand education, economic, cultural and other opportunities for the largest minority group in New Mexico” (p. 8, lines 8-9).

Based on the proposed language in the bill, the newly proposed department would duplicate the functions of several already-existing state agencies charged with addressing the needs of the state’s population in these areas: Public Education Department, Higher Education Department, Department of Health, Health and Human Services Department, Economic Development Department, Department of Workforce Solutions, and the Department of Cultural Affairs. The new department would be organized into two main divisions: the administrative services division and the program services division. Given that several of the functions of this department are duplicative of other state agencies, it is not immediately clear what the “program implementation and support for field program and services” (p. 9, lines 23-24) means or how these would differ

from programs currently administered (or ones that could be administered in the future) in other state agencies.

Further, the bill appears to address concerns related to one ethnic group. On page 8, the bill refers to the “largest minority group in New Mexico” (line 9), however, Hispanics are actually the majority group in the state. While Hispanics are generally considered an ethnic minority in most places around the country, this is not the case in New Mexico. Therefore, the state agencies charged with addressing various issues outlined in this bill are presumably already leading the work. If the target population of this bill—the majority of the state’s residents—are not being served well, then this would merit a broader conversation about impact, effectiveness and necessity of specific state agencies.

The proposed department’s secretary is charged with a duty to “minimize or eliminate duplication of services” (p.4, lines 21-22), to make recommendations to address overlapping functions of departments (p.5, lines 12-16), however, such concerns may not be more effectually solved by creating a new department that duplicates the functions of existing departments, and instead could actually create additional administrative burden to the other agencies.

Hispanic Affairs Commission. The bill also proposes the create a new 11-member advisory committee whose members are appointed by the governor to serve 4-year terms on the Hispanic Affairs Commission (p.10, line 23). The bill does not include language requiring the staggering of appointments, which would support smooth transitions and ensure institutional knowledge is retained. The Sponsor may wish to insert such language.

While in several places in the SB245, the focus areas of the new department are health, economy and education, the Commission’s members don’t appear to be similarly structured. The Commission’s membership is to be comprised of members from leading national organizations (LULAC, MALDEF, ALCU, MANA, etc.) but bill language does not specify that members be located in New Mexico. If the purpose of to generate local perspectives to inform state policy and actions, then then Sponsor may also wish to clarify the language to state that members must be from the state affiliate organization and reside in the state. Additionally, while civic and business groups are represented in membership requirements, health is not as clearly represented. For example, LULAC and MANA explicitly state health advocacy as issues. Perhaps the Sponsor should consider amending this section to add further clarity around organizations that focus on Hispanic health advocacy and have presence in the state on this issue (e.g. UnidosUS (formerly known as National Council of La Raza, etc.).

The proposed Commission would duplicate the work of other existing advisory councils (e.g. Hispanic Education Advisory Council, several DOH advisory councils, economic development councils, etc.). More specific to education, the PED has several administratively attached governor-appointed advisory councils, and several other ad-hoc advisory councils and taskforces designed to advise the PED in its education functions. Additionally, this proposed Commission is not required to produce an annual report, as other governor-appointed advisory councils are required to do so (e.g. Hispanic Education Advisory Council, Indian Education Advisory Council, etc.). The Sponsors may wish to include more concrete and well-defined deliverables for the Commission.

PERFORMANCE IMPLICATIONS

The bill does not propose language addressing the performance expectations or metrics for

measuring impact of the newly created Department or delineate concrete deliverables for the Commission.

ADMINISTRATIVE IMPLICATIONS

Given that the PED is currently charged with supporting all education initiatives and oversight to publically supported schools, the proposed new Department and Commission would be duplicating efforts. Given that the proposed duplication of effort also overlaps significantly with other state agencies addressing education, health and the economy, those agencies would need to also provide feedback on the administrative implications of a new department.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB 159, SJM 2, the Hispanic Education Act, 22-23B NMSA 1978, and Bilingual Multicultural Education Act, 22-23 NMSA 1978.

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

Instead of creating a new department and commission, the Sponsor may wish to work with the Executive to ensure that state agencies are more highly focused on reporting out on its initiatives and demonstrate its impact and outcomes with respect to the service of targeted populations in this bill.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS