

LFC Requester:

N/A

AGENCY BILL ANALYSIS  
2024 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

Analysis.nmlegis.gov

{Analysis must be uploaded as a PDF}

**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 01/09/24

Bill No: [HB38](#)

Sponsor: Herndon  
Short Title: Study Office of African American Affairs

Agency Name and Code: PED – 924  
Number:  
Person Writing: Denise Terrazas  
Phone: 505-470-5303 Email: denise.terrazas@ped.nm.gov

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
\$100	\$100	Nonrecurring	GF

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
None	None	None	N/A	NFA

(Parenthesis ( ) Indicate Expenditure Decreases)

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

	<b>FY24</b>	<b>FY25</b>	<b>FY26</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>	None	None	None	N/A	N/A	NFA

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: None.

**SECTION III: NARRATIVE**

**BILL SUMMARY**

Synopsis: House Bill 38 (HB38) would create a task force to study the potential creation of the African American Affairs Department within the executive branch. The task force would be convened by the Health Care Authority Department in partnership with the Office on African American affairs and would be comprised of eleven members, including the director of the Office on African American affairs, the chair of the Martin Luther King, Jr. Commission, the executive director of the American Performing Arts Center, the general manager of Expo New Mexico, the speaker of the House of Representatives, the President Pro Tempore of the Senate, and five members appointed by the governor who are representatives of charitable or community organization working on behalf of African American communities in New Mexico.

HB38 is endorsed by the Legislative Health and Human Services Committee.

**FISCAL IMPLICATIONS**

This bill would appropriate \$100,000 in the General Fund to the Health Care Authority Department in FY24 and FY25 to support the African American affairs department study task force. Any unexpended or unencumbered funds remaining at the end of fiscal year 2025 will revert to the general fund.

**SIGNIFICANT ISSUES**

The sponsor may wish to consider including a representative from the Public Education Department (PED) in the task force. PED’s division of Identity, Equity, and Transformation houses the Black Education Act Bureau (“bureau”) including a black education liaison as required in the Black Education Act, Sections 22-23C-1 through 22-2C-7 NMSA 1978. The bureau would be able to contribute to work of the task force, and likewise PED may be affected by future recommendations of the task force.

Per the act, PED is also advised by a Black Education Council, of which duties are to “advise the secretary, school districts and charter schools on matters related to improving public school education for Black students, increasing parent involvement and community engagement in the education of Black students and increasing the number of Black high school graduates who succeed in post-secondary academic, professional or vocational education.”

**PERFORMANCE IMPLICATIONS**

None.

## **ADMINISTRATIVE IMPLICATIONS**

None.

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

None.

## **TECHNICAL ISSUES**

None.

## **OTHER SUBSTANTIVE ISSUES**

The bill contains neither an effective date nor an emergency clause, meaning HB38 will become effective May 15, 2024, which will give the task force approximately six and one-half months to appoint members, schedule and convene meetings, conduct its study, and draft, finalize, and submit its report by December 1, 2024. This is not very much time for a task force to complete such a review and compose a comprehensive report to the Governor and the legislature. The funds appropriated in Section 2 of the bill are for expenditure through FY25, after which they will revert to the general fund. The sponsor may wish to consider amending the bill to allow the taskforce to continue its work throughout FY25, during which time funding for the taskforce's activities will remain accessible.

## **ALTERNATIVES**

None.

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

None.

## **AMENDMENTS**

None.