

SENATE BILL 112

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

Mimi Stewart

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO ECONOMIC DEVELOPMENT; CREATING THE SUSTAINABLE ECONOMY TASK FORCE HENRC→**AND THE SUSTAINABLE ECONOMY ADVISORY COUNCIL**←HENRC ; REQUIRING THAT THE SUSTAINABLE ECONOMY TASK FORCE DEVELOP A STRATEGIC PLAN TO TRANSITION THE STATE ECONOMY AWAY FROM RELIANCE ON NATURAL RESOURCE EXTRACTION; PROVIDING DUTIES; REQUIRING THAT DEPARTMENT SECRETARIES OF STATE AGENCIES COMPLY WITH THE STRATEGIC PLAN SFC→~~MAKING AN APPROPRIATION~~←SFC .

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

SECTION 1. [NEW MATERIAL] SUSTAINABLE ECONOMY TASK
FORCE--CREATED--STAFF.--

A. The "sustainable economy task force" is created and is administratively attached to the SFC→~~department of finance and administration~~←SFC SFC→**economic development department**←SFC . The task force consists of HENRC→~~up to twenty-four members~~←HENRC HENRC→**the following voting members**←HENRC as follows:

HENRC→~~(1) the following individuals shall serve as voting members:~~

~~(a) the governor or the governor's designee;~~

~~(b) the commissioner of public lands or the commissioner's designee;~~

~~(c) the state treasurer or the treasurer's designee;~~

~~(d) the secretary of finance and administration or the secretary's designee;~~

~~(e) the secretary of taxation and revenue or the secretary's designee;~~

~~(f) the secretary of energy, minerals and natural resources or the secretary's designee;~~

~~(g) the secretary of economic~~

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~~development or the secretary's designee; and~~

~~(h) the secretary of Indian affairs or
the secretary's designee; and~~

~~(2) each ex-officio member may appoint up to
two members of the public SFC or employees or appointed
officers of a department, agency or political subdivision of
the state SFC to serve as voting members. ←HENRC~~

HENRC→(1) the commissioner of public lands or
the commissioner's designee;

(2) the secretary of economic development or
the secretary's designee;

(3) the secretary of finance and
administration or the secretary's designee;

(4) the secretary of taxation and revenue or
the secretary's designee;

(5) the secretary of energy, minerals and
natural resources or the secretary's designee;

(6) the secretary of Indian affairs or the
secretary's designee;

(7) the secretary of workforce solutions or
the secretary's designee;

(8) the secretary of general services or the
secretary's designee;

(9) the secretary of higher education or the

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secretary's designee;

(10) the secretary of public education or the secretary's designee;

(11) the secretary of environment or the secretary's designee;

(12) the state investment officer or the state investment officer's designee; and

(13) the chair of the sustainable economy advisory council.←HENRC

B. The chair of the task force shall be

HENRC→~~elected by the task force~~←HENRC HENRC→the secretary of economic development or the secretary's designee, and the vice chair of the task force shall be the member serving as the chair of the sustainable economy advisory council←HENRC . The task force shall meet at the call of the chair.

HENRC→~~C. Appointed members of the task force shall serve at the pleasure of their appointing authorities.~~←HENRC

HENRC→C. The "sustainable economy advisory council" is created and is administratively attached to the economic development department. The advisory council shall advise the sustainable economy task force on developing and achieving the goals of the strategic plan provided in Section 2 of this 2021 act. The advisory council shall consist of the following members:

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(1) one representative of local governments, appointed by the chair of the task force;

(2) two representatives of disproportionately impacted communities or organizations with experience working with disproportionately impacted communities, appointed by the chair of the task force;

(3) two representatives of organizations with experience in sustainable economic development planning and workforce development, appointed by the chair of the task force;

(4) one representative from industry and business sectors involved in achieving or that may be affected by the goals of the sustainable economy task force, appointed by the chair of the task force; and

(5) eight representatives of tribal governments or entities, appointed by the Indian affairs department.

D. The chair of the advisory council shall be elected by the members of the advisory council.←HENRC

HENRC→D.←HENRC HENRC→E.←HENRC Members of the task force may receive per diem and mileage pursuant to the Per Diem and Mileage Act.

HENRC→E.←HENRC HENRC→F.←HENRC The SFC→department of finance and administration←SFC SFC→economic development

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department←SFC shall provide the necessary staff and administrative support to the task force.

HENRC→G. As used in this section, "disproportionately impacted community" means a community or population of people for which multiple burdens, including environmental and socioeconomic stressors, inequity, poverty, high unemployment, pollution or discrimination, may act to persistently and negatively affect the health, well-being and environment of the community or population and includes tribal communities, communities of color and low-income rural communities and native people, people of color, women, immigrants, youth, formerly incarcerated people, lesbian, gay, bisexual, transgender and queer people and people with disabilities.←HENRC

SECTION 2. [NEW MATERIAL] SUSTAINABLE ECONOMY TASK FORCE--DUTIES--STRATEGIC PLAN--REPORTING.--

A. The sustainable economy task force shall:

(1) SFC→~~from fiscal year 2022 through fiscal year 2027, develop an annual strategic plan~~←SFC SFC→develop a strategic plan in fiscal year 2022←SFC to transition the state economy away from reliance on natural resource extraction; provided that the strategic plan shall adhere to the requirements set forth in Subsection C of this section SFC→and shall be updated annually through fiscal year 2027←SFC ; and

(2) no later than October 1 of each year,

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report on the strategic plan to the legislative finance committee, the revenue stabilization and tax policy committee and any other appropriate interim legislative committee.

B. The sustainable economy task force may hire or contract with consultants or experts to provide the task force with information to assist in developing the strategic plan.

C. The strategic plan, which shall be developed and updated annually by the sustainable economy task force, shall:

(1) provide policies to promote:

(a) the addition of new jobs statewide to replace jobs that rely on the extraction or development of natural resources;

(b) diversifying the state's tax base to replace the revenue generated from the natural resource extraction sector, including policies promoting: 1) economic development; 2) state investments; 3) infrastructure development; and 4) determining alternative funding sources for education and hospitals; and

(c) long-term economic growth;

(2) address recommendations provided in current and future economic studies and development efforts, including those from state agencies, institutions of higher learning, national laboratories and business incubators;

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(3) be developed in consultation with the

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communities that will be affected by the provisions of the plan, including Indian nations, tribes and pueblos located wholly or partly in New Mexico, local governments and local communities HENRC→, ←HENRC HENRC→; and

(4) include a plan to implement the recommendations of the study titled the "New Mexico Clean Energy Workforce Development Study" that was commissioned by the workforce solutions department and published in June 2020 and expand the development of jobs with family-sustaining wages and benefits, opportunities for advancement and safe working conditions in industries engaged in sustainable economic development for New Mexico workers, prioritizing disproportionately impacted communities.

D. As used in this section, "disproportionately impacted community" means a community or population of people for which multiple burdens, including environmental and socioeconomic stressors, inequity, poverty, high unemployment, pollution or discrimination, may act to persistently and negatively affect the health, well-being and environment of the community or population and includes tribal communities, communities of color and low-income rural communities and native people, people of color, women, immigrants, youth, formerly incarcerated people, lesbian, gay, bisexual, transgender and queer people and people with

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disabilities.←HENRC

SECTION 3. Section 9-1-5 NMSA 1978 (being Laws 1977, Chapter 248, Section 5) is amended to read:

"9-1-5. SECRETARY--DUTIES AND GENERAL POWERS.--

A. The secretary is responsible to the governor for the operation of the department. It is [~~his~~] the secretary's duty to manage all operations of the department and to administer and enforce the laws with which [~~he~~] the secretary or the department is charged.

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

(1) except as otherwise provided in [~~this~~] the Executive Reorganization Act, exercise general supervisory and appointing authority over all department employees, subject to any applicable personnel laws and regulations;

(2) delegate authority to subordinates as [~~he~~] the secretary deems necessary and appropriate, clearly delineating such delegated authority and the limitations thereto;

(3) organize the department into those

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organizational units ~~[he]~~ the secretary deems will enable it to function most efficiently, subject to any provisions of law requiring or establishing specific organizational units;

(4) within the limitations of available appropriations and applicable laws, employ and fix the compensation of those persons necessary to discharge ~~[his]~~ the secretary's duties;

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

(6) conduct research and studies that will improve the operations of the department and the provision of services to the ~~[citizens]~~ residents of the state;

(7) provide courses of instruction and practical training for employees of the department and other persons involved in the administration of programs with the objective of improving the operations and efficiency of administration;

(8) prepare an annual budget of the department;

(9) provide cooperation, at the request of

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heads of administratively attached agencies and adjunct agencies, in order to:

(a) minimize or eliminate duplication of services and jurisdictional conflicts;

(b) coordinate activities and resolve problems of mutual concern; and

(c) resolve by agreement the manner and extent to which the department shall provide budgeting, [~~record-keeping~~] recordkeeping and related clerical assistance to administratively attached agencies;

(10) implement, as much as legally permissible, the strategic plan developed by the sustainable economy task force as provided in Section 2 of this 2021 act;

[~~(10)~~] (11) appoint, with the governor's consent, a "director" for each division [~~a "director"~~]. These appointed positions are exempt from the provisions of the Personnel Act. Persons appointed to these positions shall serve at the pleasure of the secretary;

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

[~~(12)~~] (13) require performance bonds of such

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department employees and officers as [~~he~~] the secretary deems necessary, as provided in the Surety Bond Act. The department shall pay the costs of [~~such~~] these bonds.

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

D. Where functions of departments overlap or a function assigned to one department could better be performed by another department, a secretary may recommend appropriate legislation to the next session of the legislature for its approval.

E. The secretary may make and adopt such reasonable [~~and~~] procedural rules [~~and regulations~~] as may be necessary to carry out the duties of the department and its divisions. No rule [~~or regulation~~] promulgated by the director of any division in carrying out the functions and duties of the division shall be effective until approved by the secretary unless otherwise provided by statute. Unless otherwise provided by statute, no [~~regulation~~] rule affecting any person or agency outside the department shall be adopted, amended or repealed without a public hearing on the proposed action before the secretary or a hearing officer designated by [~~him~~] the secretary. The public hearing shall be held in Santa Fe unless

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otherwise permitted by statute. Notice of the subject matter of the [~~regulation~~] rule, the action proposed to be taken, the time and place of the hearing, the manner in which interested persons may present their views and the method by which copies of the proposed [~~regulation~~] rule or proposed amendment or repeal of an existing [~~regulation~~] rule may be obtained shall be published once at least thirty days prior to the hearing date in a newspaper of general circulation and mailed at least thirty days prior to the hearing date to all persons who have made a written request for advance notice of hearing. All rules [~~and regulations~~] shall be filed in accordance with the State Rules Act.

F. If this section conflicts with the powers and duties specifically given by statute to a particular secretary, the specific powers and duties shall control. If this section conflicts with other statutes specifically limiting the powers of a secretary, the specific limitations shall control."

SFC→~~SECTION 4. APPROPRIATION.--One hundred thousand dollars (\$100,000) is appropriated from the general fund to the department of finance and administration for expenditure in fiscal year 2022 and subsequent fiscal years to pay the expenses incurred by the sustainable economy task force. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert to the general fund.~~←SFC

SECTION SFC→5.←SFC SFC→4.←SFC EFFECTIVE DATE.--The

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effective date of the provisions of this act is July 1, 2021.

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