

1 SENATE BILL 112

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

4 Mimi Stewart

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10 AN ACT

11 RELATING TO ECONOMIC DEVELOPMENT; CREATING THE SUSTAINABLE  
12 ECONOMY TASK FORCE; REQUIRING THAT THE SUSTAINABLE ECONOMY TASK  
13 FORCE DEVELOP A STRATEGIC PLAN TO TRANSITION THE STATE ECONOMY  
14 AWAY FROM RELIANCE ON NATURAL RESOURCE EXTRACTION; PROVIDING  
15 DUTIES; REQUIRING THAT DEPARTMENT SECRETARIES OF STATE AGENCIES  
16 COMPLY WITH THE STRATEGIC PLAN; MAKING AN APPROPRIATION.

17  
18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

21 A. The "sustainable economy task force" is created  
22 and is administratively attached to the department of finance  
23 and administration. The task force consists of up to twenty-  
24 four members as follows:

25 (1) the following individuals shall serve as

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1 voting members:

2 (a) the governor or the governor's  
3 designee;

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

6 (c) the state treasurer or the  
7 treasurer's designee;

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

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

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

14 (g) the secretary of economic  
15 development or the secretary's designee; and

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

18 (2) each ex-officio member may appoint up to  
19 two members of the public to serve as voting members.

20 B. The chair of the task force shall be elected by  
21 the task force. The task force shall meet at the call of the  
22 chair.

23 C. Appointed members of the task force shall serve  
24 at the pleasure of their appointing authorities.

25 D. Members of the task force may receive per diem

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1 and mileage pursuant to the Per Diem and Mileage Act.

2 E. The department of finance and administration  
3 shall provide the necessary staff and administrative support to  
4 the task force.

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

7 A. The sustainable economy task force shall:

8 (1) from fiscal year 2022 through fiscal year  
9 2027, develop an annual strategic plan to transition the state  
10 economy away from reliance on natural resource extraction;  
11 provided that the strategic plan shall adhere to the  
12 requirements set forth in Subsection C of this section; and

13 (2) no later than October 1 of each year,  
14 report on the strategic plan to the legislative finance  
15 committee, the revenue stabilization and tax policy committee  
16 and any other appropriate interim legislative committee.

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

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

22 (1) provide policies to promote:

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

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

7 (c) long-term economic growth;

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

12 (3) be developed in consultation with the  
13 communities that will be affected by the provisions of the  
14 plan, including Indian nations, tribes and pueblos located  
15 wholly or partly in New Mexico, local governments and local  
16 communities.

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

19 "9-1-5. SECRETARY--DUTIES AND GENERAL POWERS.--

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

25 B. To perform [~~his~~] the secretary's duties, the

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1 secretary has every power expressly enumerated in the laws,  
2 whether granted to the secretary or the department or any  
3 division of the department, except where authority conferred  
4 upon any division [~~therein~~] is explicitly exempted from the  
5 secretary's authority by statute. In accordance with these  
6 provisions, the secretary shall:

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

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

15 (3) organize the department into those  
16 organizational units [~~he~~] the secretary deems will enable it to  
17 function most efficiently, subject to any provisions of law  
18 requiring or establishing specific organizational units;

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

23 (5) take administrative action by issuing  
24 orders and instructions, not inconsistent with the law, to  
25 assure implementation of and compliance with the provisions of

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1 law ~~[with the]~~ for whose administration or execution ~~[of which~~  
2 ~~he]~~ the secretary is responsible and to enforce those orders  
3 and instructions by appropriate administrative action or  
4 actions in the courts;

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

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

13 (8) prepare an annual budget of the  
14 department;

15 (9) provide cooperation, at the request of  
16 heads of administratively attached agencies and adjunct  
17 agencies, in order to:

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

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

22 (c) resolve by agreement the manner and  
23 extent to which the department shall provide budgeting,

24 ~~[record-keeping]~~ recordkeeping and related clerical assistance  
25 to administratively attached agencies;

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

4                    [~~(10)~~] (11) appoint, with the governor's  
5 consent, a "director" for each division [~~a "director"~~]. These  
6 appointed positions are exempt from the provisions of the  
7 Personnel Act. Persons appointed to these positions shall  
8 serve at the pleasure of the secretary;

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

15                    [~~(12)~~] (13) require performance bonds of such  
16 department employees and officers as [~~he~~] the secretary deems  
17 necessary, as provided in the Surety Bond Act. The department  
18 shall pay the costs of [~~such~~] these bonds.

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

24                    D. Where functions of departments overlap or a  
25 function assigned to one department could better be performed

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1 by another department, a secretary may recommend appropriate  
2 legislation to the next session of the legislature for its  
3 approval.

4 E. The secretary may make and adopt such reasonable  
5 ~~[and]~~ procedural rules ~~[and regulations]~~ as may be necessary to  
6 carry out the duties of the department and its divisions. No  
7 rule ~~[or regulation]~~ promulgated by the director of any  
8 division in carrying out the functions and duties of the  
9 division shall be effective until approved by the secretary  
10 unless otherwise provided by statute. Unless otherwise  
11 provided by statute, no ~~[regulation]~~ rule affecting any person  
12 or agency outside the department shall be adopted, amended or  
13 repealed without a public hearing on the proposed action before  
14 the secretary or a hearing officer designated by ~~[him]~~ the  
15 secretary. The public hearing shall be held in Santa Fe unless  
16 otherwise permitted by statute. Notice of the subject matter  
17 of the ~~[regulation]~~ rule, the action proposed to be taken, the  
18 time and place of the hearing, the manner in which interested  
19 persons may present their views and the method by which copies  
20 of the proposed ~~[regulation]~~ rule or proposed amendment or  
21 repeal of an existing ~~[regulation]~~ rule may be obtained shall  
22 be published once at least thirty days prior to the hearing  
23 date in a newspaper of general circulation and mailed at least  
24 thirty days prior to the hearing date to all persons who have  
25 made a written request for advance notice of hearing. All

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1 rules [~~and regulations~~] shall be filed in accordance with the  
2 State Rules Act.

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

8 SECTION 4. APPROPRIATION.--One hundred thousand dollars  
9 (\$100,000) is appropriated from the general fund to the  
10 department of finance and administration for expenditure in  
11 fiscal year 2022 and subsequent fiscal years to pay the  
12 expenses incurred by the sustainable economy task force. Any  
13 unexpended or unencumbered balance remaining at the end of a  
14 fiscal year shall not revert to the general fund.

15 SECTION 5. EFFECTIVE DATE.--The effective date of the  
16 provisions of this act is July 1, 2021.