

1 SENATE BILL 357

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

3 INTRODUCED BY

4 George K. Munoz and Jacob R. Candelaria

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10 AN ACT

11 RELATING TO EXECUTIVE DEPARTMENTS; REQUIRING CONFIRMED
12 DEPARTMENT SECRETARIES TO FILE AN AFFIDAVIT OF NEW MEXICO
13 RESIDENCY; PROVIDING FOR THE REMOVAL OF DEPARTMENT SECRETARIES
14 WHO FAIL TO FILE AN AFFIDAVIT OF NEW MEXICO RESIDENCY OR FAIL
15 TO MAINTAIN NEW MEXICO RESIDENCY.

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

18 SECTION 1. Section 9-1-4 NMSA 1978 (being Laws 1977,
19 Chapter 248, Section 4) is amended to read:

20 "9-1-4. CABINET DEPARTMENTS--STRUCTURE.--

21 A. Except as otherwise provided by law for its
22 internal structure, the executive branch shall adhere to the
23 following standard terms:

24 (1) the principal unit of the executive branch
25 is a "department", headed by a "secretary" who shall be

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1 appointed by the governor with the consent of the senate and
2 who shall serve at [~~his~~] the governor's pleasure;

3 (2) the principal unit of a department is a
4 "division", headed by a "director" who shall be appointed by
5 the secretary with the approval of the governor and who shall
6 serve at the secretary's pleasure;

7 (3) the principal unit of a division is a
8 "bureau", headed by a "chief" who is employed by the secretary
9 and who is covered by, and subject to, the provisions of the
10 Personnel Act; and

11 (4) the principal unit of a bureau is a
12 "section", headed by a "supervisor" who is employed by the
13 secretary and who is covered by, and subject to, the provisions
14 of the Personnel Act.

15 B. An appointed secretary shall serve and have all
16 of the duties, responsibilities and authority of that office
17 during the period of time prior to final action by the senate
18 confirming or rejecting [~~his~~] the secretary's appointment.

19 C. No later than thirty days from the date of
20 confirmation or the effective date of this 2021 act, whichever
21 is later, a secretary shall file a signed affidavit with the
22 governor stating the secretary's name and that the secretary is
23 a resident of the state of New Mexico and will maintain an
24 uninterrupted residency within the state for the term of the
25 secretary's appointment. A secretary shall be removed from

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underscoring material = new
~~[bracketed material] = delete~~

1 that office for failure to submit an affidavit as required by
2 this subsection or failure to maintain residency within the
3 state.

4 D. For the purposes of this section, "resident"
5 means a person who lives in and is domiciled in New Mexico."