AN ACT

RELATING TO ECONOMIC DEVELOPMENT; CREATING THE SUSTAINABLE ECONOMY TASK FORCE AND THE SUSTAINABLE ECONOMY ADVISORY COUNCIL; 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.

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

SECTION 1. SUSTAINABLE ECONOMY TASK FORCE--CREATED--STAFF.--

A. The "sustainable economy task force" is created and is administratively attached to the economic development department. The task force consists of the following voting members as follows:

(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 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.

B. The chair of the task force shall be 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. The task force shall meet at the call of the chair.

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:

   (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.

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

F. The economic development department shall provide the necessary staff and administrative support to the task force.

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.

SECTION 2. SUSTAINABLE ECONOMY TASK FORCE--DUTIES--STRATEGIC PLAN--REPORTING.--

A. The sustainable economy task force shall:

(1) develop a strategic plan in fiscal year 2022 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 and shall be updated annually through fiscal year 2027; and
(2) no later than October 1 of each year, 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 education, and private sector organizations.
learning, national laboratories and business incubators;

(3) be developed in consultation with the 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; 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 disabilities.

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 the secretary's duty to manage all operations of the department and to administer and enforce the laws with which the secretary or the department is charged.

B. To perform 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 is explicitly exempted from the secretary's authority by statute. In accordance with these provisions, the secretary shall:

(1) except as otherwise provided in 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 the secretary deems necessary and appropriate, clearly delineating such delegated authority and the limitations thereto;
(3) organize the department into those
organizational units 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 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 for whose administration or execution 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 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
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, 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;

(11) appoint, with the governor's consent, a "director" for each division. 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;

(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 these bonds; and

(13) require performance bonds of such
department employees and officers as the secretary deems necessary, as provided in the Surety Bond Act. The department shall pay the costs of 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 procedural rules as may be necessary to carry out the duties of the department and its divisions. No rule 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 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 the secretary. The public hearing shall be held in Santa Fe unless otherwise permitted by statute.
Notice of the subject matter of the 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 rule or proposed amendment or repeal of an existing 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 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."

SECTION 4. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2021.