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AN ACT

RELATING TO ECONOMIC DEVELOPMENT; REVISING ELIGIBILITY FOR ASSISTANCE TO DISPLACED WORKERS; DECLARING AN EMERGENCY.

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

SECTION 1. Section 62-18-16 NMSA 1978 (being Laws 2019, Chapter 65, Section 16) is amended to read:

"62-18-16. ENERGY TRANSITION INDIAN AFFAIRS FUND--
ENERGY TRANSITION ECONOMIC DEVELOPMENT ASSISTANCE FUND--
ENERGY TRANSITION DISPLACED WORKER ASSISTANCE FUND--COMMUNITY
ADVISORY COMMITTEE.--

A. The "energy transition Indian affairs fund" is created in the state treasury. The fund shall consist of appropriations, gifts, grants, donations and bequests made to the fund. Income from the fund shall be credited to the fund, and money in the fund shall not revert or be transferred to any other fund at the end of a fiscal year.

B. The Indian affairs department shall administer the energy transition Indian affairs fund, and money in the fund is subject to appropriation by the legislature only to that department to assist in addressing the conditions and issues of tribes and native peoples in the affected community.

C. The Indian affairs department shall develop an Indian affairs assistance plan to assist tribal and native

1 people in the affected community that shall provide for the
2 disbursement of money in the energy transition Indian affairs
3 fund. In developing the plan, the Indian affairs department
4 shall establish a public planning process in the affected
5 community to inform the use of money in the fund. The Indian
6 affairs department shall engage in consultation with Indian
7 nations, tribes and pueblos in the affected community
8 pursuant to the State-Tribal Collaboration Act. The public
9 planning process shall include at least three public meetings
10 in the affected community. Expenditures from the fund shall
11 be made after completion of the plan and as follows:

12 (1) to an entity approved by the Indian
13 affairs department to receive funds for any program
14 established at the Indian affairs department; and

15 (2) to tribal governments, public agencies
16 or private persons to provide services and facilities in the
17 affected community for promoting the welfare of Indian
18 people.

19 D. The "energy transition economic development
20 assistance fund" is created in the state treasury. The fund
21 shall consist of appropriations, gifts, grants, donations and
22 bequests made to the fund. Income from the fund shall be
23 credited to the fund, and money in the fund shall not revert
24 or be transferred to any other fund at the end of a fiscal
25 year.

1 E. The economic development department shall
2 administer the energy transition economic development
3 assistance fund, and money in the fund is subject to
4 appropriation by the legislature only to that department to
5 assist in diversifying and promoting the affected community's
6 economy by fostering economic development opportunities
7 unrelated to fossil fuel development or use.

8 F. The economic development department shall
9 develop an economic diversification and development plan to
10 assist the affected community that shall provide for the
11 disbursement of money in the energy transition economic
12 development assistance fund. In developing the plan, the
13 economic development department shall request recommendations
14 from the affected community's community advisory committee
15 pursuant to Subsection K of this section and establish a
16 public input process in the affected community to inform the
17 use of money in the fund. The economic development
18 department shall engage in consultation with Indian nations,
19 tribes and pueblos in the affected area pursuant to the
20 State-Tribal Collaboration Act. The public input process
21 shall include at least three public meetings in the affected
22 community. Expenditures from the fund shall be made pursuant
23 to the plan and as follows:

24 (1) to an entity approved by the economic
25 development department to receive funds for any program

1 established at the economic development department;

2 (2) to assist employers to qualify for any
3 tax relief for hiring displaced workers established under
4 state or federal law; and

5 (3) to a municipality, county, Indian
6 nation, pueblo or tribe or land grant community in New Mexico
7 for programs designed to promote economic development in the
8 affected community.

9 G. The "energy transition displaced worker
10 assistance fund" is created in the state treasury. The fund
11 shall consist of appropriations, gifts, grants, donations and
12 bequests made to the fund. Income from the fund shall be
13 credited to the fund, and money in the fund shall not revert
14 or be transferred to any other fund at the end of a fiscal
15 year.

16 H. The workforce solutions department shall
17 administer the energy transition displaced worker assistance
18 fund, and money in the fund is subject to appropriation by
19 the legislature only to that department to assist displaced
20 workers in an affected community.

21 I. The workforce solutions department shall
22 develop a displaced worker development plan to assist
23 displaced workers in an affected community that shall provide
24 for the disbursement of money in the energy transition
25 displaced worker assistance fund. In developing the plan,

1 the workforce solutions department shall request
2 recommendations from the affected community's community
3 advisory committee pursuant to Subsection K of this section
4 and establish a public input process in the affected
5 community to inform the use of money in the energy transition
6 displaced worker assistance fund. The workforce solutions
7 department shall engage in consultation with Indian nations,
8 tribes and pueblos in the affected area pursuant to the
9 State-Tribal Collaboration Act. The public input process
10 shall include at least three public meetings in the affected
11 community. Expenditures from the energy transition displaced
12 worker assistance fund shall be made pursuant to the plan and
13 as follows:

14 (1) to assist employers of displaced workers
15 to qualify for any tax relief established under state or
16 federal law;

17 (2) to the workforce solutions department:
18 (a) to provide assistance to displaced
19 workers using any program established at that department; and

20 (b) for payment of costs associated
21 with displaced workers enrolling and participating in
22 certified apprenticeship programs in New Mexico; and

23 (3) to a municipality, county, Indian
24 nation, pueblo or tribe or land grant community in New Mexico
25 for job training and apprenticeship programs for displaced

1 workers or for programs designed to promote economic
2 development in the affected community.

3 J. Within thirty days of receipt of energy
4 transition bond proceeds, a qualifying generating facility
5 located in New Mexico shall transfer the following
6 percentages of the financed amount of energy transition bonds
7 as follows:

8 (1) one-half percent to the Indian affairs
9 department for deposit in the energy transition Indian
10 affairs fund;

11 (2) one and sixty-five hundredths percent to
12 the economic development department for deposit in the energy
13 transition economic development assistance fund; and

14 (3) three and thirty-five hundredths percent
15 to the workforce solutions department for deposit in the
16 energy transition displaced worker assistance fund.

17 K. In each affected community, a community
18 advisory committee shall be convened. All meetings of the
19 community advisory committee shall be held pursuant to the
20 Open Meetings Act. The secretaries of Indian affairs,
21 economic development and workforce solutions shall appoint
22 three conveners who reside in the affected community, at
23 least one from each major political party and one
24 representing one of the Navajo Nation chapter houses in the
25 affected community. The conveners shall appoint members of

1 the community advisory committee to include a member from
2 each municipality, county, Indian nation, pueblo, tribe and
3 land grant community, if any, in the affected community, at
4 least four appointees representing diverse economic and
5 cultural perspectives of the affected community and one
6 appointee representing displaced workers in the affected
7 community. Within sixty days of a request by the economic
8 development department pursuant to Subsection F of this
9 section, or the workforce solutions department pursuant to
10 Subsection I of this section, a community advisory committee
11 shall provide recommendations to the requesting department on
12 the use of available funds intended for the affected
13 community.

14 L. As used in this section:

15 (1) "affected community" means a New Mexico
16 county located within one hundred miles of a New Mexico
17 facility producing electricity that closes, resulting in at
18 least forty displaced workers; and

19 (2) "displaced worker" means a New Mexico
20 resident who:

21 (a) was terminated from employment, or
22 whose contract was terminated, due to the abandonment of a
23 New Mexico facility producing electricity that resulted in
24 the displacement of at least forty workers; and

25 (b) meets any other eligibility

1 criteria established by the workforce solutions department."

2 SECTION 2. EMERGENCY.--It is necessary for the public

3 peace, health and safety that this act take effect

4 immediately. _____

HB 449/ec
Page 8

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