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HOUSE BILL 213

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Antonio Lujan

AN ACT

RELATING TO INTERGOVERNMENTAL RELATIONS; ENACTING THE NEW MEXICO-CHIHUAHUA COMMISSION ACT; PROVIDING FOR COOPERATIVE ACTIVITIES BETWEEN NEW MEXICO AND THE MEXICAN STATE OF CHIHUAHUA; REPEALING SECTIONS OF THE NMSA 1978; MAKING AN APPROPRIATION.

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

Section 1. SHORT TITLE. -- This act may be cited as the "New Mexico-Chihuahua Commission Act".

Section 2. PURPOSES. -- The purposes of the New Mexico-Chihuahua Commission Act are to establish a framework in which New Mexico and the state of Chihuahua, Mexico, can work to develop mutually beneficial programs to resolve challenges along the international border common to both states, to maximize the possibilities for economic development and to open

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1 and institutionalize lines of communication between the public  
2 and private sector leaders of the states.

3 Section 3. DEFINITIONS. -- As used in the New Mexico-  
4 Chihuahua Commission Act:

5 A. "Chihuahua" means the state of Chihuahua,  
6 Mexico; and

7 B. "commission" means the New Mexico-Chihuahua  
8 commission.

9 Section 4. NEW MEXICO-CHIHUAHUA COMMISSION CREATED--  
10 MEMBERS--ADMINISTRATION. --

11 A. The "New Mexico-Chihuahua commission" is created  
12 and is administratively attached to the economic development  
13 department.

14 B. The members of the commission representing New  
15 Mexico shall be:

- 16 (1) the governor of New Mexico;  
17 (2) the secretary of economic development;  
18 (3) the secretary of tourism;  
19 (4) other state officials as assigned by the  
20 governor; and  
21 (5) no more than ten members of the public  
22 appointed by the governor of New Mexico.

23 C. The members of the commission representing  
24 Chihuahua shall be appointed or assigned according to the  
25 customary procedure of the executive branch of the government

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1 of that state.

2 D. The economic development department shall  
3 provide administrative assistance to the commission as needed.

4 E. The economic development department shall keep  
5 records of commission proceedings.

6 F. The co-chairs of the commission shall be the  
7 governors of New Mexico and Chihuahua.

8 G. Meetings of the commission shall be at the call  
9 of the co-chairs or pursuant to the request of a majority of  
10 the members of the commission.

11 H. Terms for public members of the commission  
12 appointed by the governor of New Mexico shall be for two years  
13 with reappointment to additional terms at the discretion of the  
14 governor.

15 I. A vacancy in a term of a commission member  
16 representing New Mexico shall be filled by appointment by the  
17 governor of New Mexico for the remainder of the term of the  
18 position vacated.

19 J. The public members of the commission appointed  
20 by the governor of New Mexico shall receive per diem and  
21 mileage pursuant to the Per Diem and Mileage Act for  
22 performance of official duties required by the commission and  
23 shall receive no other compensation, perquisite or allowance.

24 Section 5. POWERS AND DUTIES. --

25 A. The commission shall provide a forum for

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1 discussion and resolution of issues of mutual concern to the  
2 governments of New Mexico and Chihuahua.

3 B. The commission may:

4 (1) identify projects that can be  
5 cooperatively pursued by New Mexico and Chihuahua;

6 (2) create avenues of communication between  
7 New Mexico and Chihuahua concerning cultural, artistic,  
8 economic and industrial affairs;

9 (3) confer with New Mexican and Chihuahuan  
10 cultural, artistic, economic and industrial leaders to  
11 determine the best methods and procedures to carry out the  
12 provisions of the New Mexico-Chihuahua Commission Act;

13 (4) promote legislation to further the goals  
14 of the commission; and

15 (5) communicate with state or province  
16 international commissions in other states or nations in order  
17 to obtain information about successful international  
18 intergovernmental cooperative activities or models.

19 C. The governor of New Mexico may negotiate with  
20 appropriate officials from Chihuahua to create cooperative  
21 projects to be implemented by Chihuahua and New Mexico or to  
22 resolve issues of mutual concern to New Mexico and Chihuahua.  
23 The governor may implement the agreements reached through those  
24 negotiations or projects developed, provided that an agreement  
25 that has a fiscal impact on New Mexico and requires an

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1 appropriation shall require an act of the legislature.

2 Section 6. CONFLICT OF INTEREST.--A member of the  
3 commission who performs a function or duty pursuant to the New  
4 Mexico-Chihuahua Commission Act shall not have a direct or  
5 indirect financial interest in an activity undertaken by the  
6 commission.

7 Section 7. TEMPORARY PROVISION.--On July 1, 2003, all  
8 records, contracts, assets and projects of the New Mexico  
9 border commission shall be transferred to the economic  
10 development department. All records, contracts, assets and  
11 projects of New Mexico state university to coordinate programs  
12 with Mexico shall remain with New Mexico state university.

13 Section 8. APPROPRIATION.--One hundred thousand dollars  
14 (\$100,000) is appropriated from the general fund to the  
15 economic development department for expenditure in fiscal year  
16 2004 to carry out the provisions of the New Mexico-Chihuahua  
17 Commission Act. Any unexpended or unencumbered balance  
18 remaining at the end of fiscal year 2004 shall revert to the  
19 general fund.

20 Section 9. REPEAL.--Sections 12-13-1 through 12-13-7 NMSA  
21 1978 (being Laws 1981, Chapter 28, Sections 1 through 7, as  
22 amended) are repealed.

23 Section 10. EFFECTIVE DATE.--The effective date of the  
24 provisions of this act is July 1, 2003.