

HOUSE FLOOR SUBSTITUTE FOR
HOUSE APPROPRIATIONS AND FINANCE COMMITTEE SUBSTITUTE FOR
HOUSE BILL 585

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

AN ACT

RELATING TO EXECUTIVE REORGANIZATION; PERMITTING THE GOVERNOR
TO REORGANIZE CERTAIN AGENCIES BY EXECUTIVE ORDER IN 2003 TO
MAKE THEM CABINET-LEVEL DEPARTMENTS; REQUIRING LEGISLATIVE
APPROVAL OF SUCH EXECUTIVE ORDER REORGANIZATIONS; RENAMING THE
NATIONAL HISPANIC CULTURAL CENTER OF NEW MEXICO; PROVIDING FOR
TRANSFERS OF FUNCTIONS, PERSONNEL, APPROPRIATIONS, MONEY AND
PROPERTY.

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

Section 1. PURPOSE-- ELEVATING STATE AGENCIES TO CABINET-
LEVEL DEPARTMENTS. --

A. The purpose of elevating the state agency on
aging to a cabinet-level department is to:

(1) implement and administer the requirements
of the federal Older Americans Act of 1965 and other programs,

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1 services and policies that were administered by the state
2 agency on aging;

3 (2) develop programs and unified public
4 policies that address the needs of the aging population, their
5 families and caregivers;

6 (3) develop programs and unified public
7 policies that address the long-term care system in New Mexico
8 and focus on creation of a seamless, comprehensive, efficient
9 and cost-effective home- and community-based long-term care
10 system;

11 (4) create and organize divisions to carry out
12 the purposes identified in this section, including but not
13 limited to, consumer rights and advocacy, aging network
14 services and long-term care divisions;

15 (5) work with consumers, advocacy
16 organizations, providers, other departments, stakeholders and
17 the legislative health and human services committee to develop
18 a comprehensive plan to provide long-term care and related
19 services for an older adult population; and

20 (6) develop a comprehensive plan to
21 coordinate, reorganize and consolidate older adult services by
22 June 30, 2004.

23 B. The purpose of elevating the office of cultural
24 affairs to a cabinet-level department is to:

25 (1) develop programs and unified public

1 policies for cultural affairs; and

- 2 1. (2) improve and enhance educational,
- 3 historical, archaeological and
- 4 architectural preservation, collections
- 5 and other cultural services for the
- 6 state.

7 C. The purpose of elevating the New Mexico office
8 of Indian affairs to a cabinet-level department is to:

9 (1) investigate, study, consider and act upon
10 the entire subject of Indian conditions and relations within
11 the state, including issues of health, economy, education,
12 legislation, safety, welfare and local, state and federal
13 government;

14 (2) ensure coordination between state
15 government and tribal governments, including technical
16 assistance, advocacy and informational services; program and
17 fiscal management; and capital outlay management, through
18 methods that promote effective tribal and state working
19 relationships for provision of quality services; and

20 (3) provide a conduit for state and tribal
21 government-to-government relations that increases each
22 sovereign's ability to respond more effectively to the issues
23 and needs of the state's Native American communities and
24 citizens.

25 D. The purpose of elevating the New Mexico

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1 veterans' service commission to a cabinet-level department is
2 to:

3 (1) develop programs and unified public
4 policies that address the needs of veterans and their families;
5 and

6 (2) develop and expand outreach and education
7 to improve the quality of life for veterans and their families.

8 Section 2. EXECUTIVE REORGANIZATION--EXECUTIVE ORDER--
9 TRANSFERS--LEGISLATIVE APPROVAL.--

10 A. The governor may, by executive order issued in
11 2003, make the following state agencies cabinet-level
12 departments:

13 (1) the state agency on aging may become the
14 aging and long-term care department;

15 (2) the office of cultural affairs may become
16 the cultural affairs department;

17 (3) the New Mexico office of Indian affairs
18 may become the Indian affairs department; and

19 (4) the New Mexico veterans' service
20 commission may become the veterans' service department.

21 B. Functions, personnel, appropriations, money,
22 records, files, furniture, equipment and other property of an
23 agency specified in Subsection A of this section shall be
24 transferred to the resulting department. Contractual and
25 statutory obligations of the original agency shall be

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1 obligations of the resulting department.

2 C. The executive order relating to the state agency
3 on aging may provide for the transfer of functions, personnel,
4 appropriations, money, records, files, furniture, equipment,
5 supplies and other property of the children, youth and families
6 department, human services department and department of health
7 pertaining to adult services to the aging and long-term care
8 department.

9 D. If a bill of the forty-sixth legislature, second
10 session, approving an executive reorganization undertaken
11 pursuant to Subsection A of this section is not enacted into
12 law, that reorganization is void.

13 Section 3. Section 18-12-1 NMSA 1978 (being Laws 1993,
14 Chapter 42, Section 1, as amended) is amended to read:

15 "18-12-1. SHORT TITLE. -- Chapter 18, Article 12 NMSA 1978
16 may be cited as the "National Hispanic Cultural Center [~~of New~~
17 ~~Mexico~~] Act". "

18 Section 4. Section 18-12-2 NMSA 1978 (being Laws 1993,
19 Chapter 42, Section 2, as amended) is amended to read:

20 "18-12-2. DEFINITIONS. -- As used in the National Hispanic
21 Cultural Center [~~of New Mexico~~] Act:

22 A. "board" means the board of directors of the
23 center;

24 B. "center" means the national Hispanic cultural
25 center [~~of New Mexico~~];

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1 C. "division" means the Hispanic cultural division
2 of the office of cultural affairs; and

3
4 D. "executive director" means the executive
5 director of the division."

6 Section 5. Section 18-12-3 NMSA 1978 (being Laws 1993,
7 Chapter 42, Section 3, as amended) is amended to read:

8 "18-12-3. HISPANIC CULTURAL DIVISION--CREATION--
9 PROPERTY.--

10 A. The "Hispanic cultural division" is created
11 within the office of cultural affairs. A principal facility of
12 this division shall be known as the "national Hispanic cultural
13 center [~~of New Mexico~~"].

14 B. All property, real or personal, now held or
15 subsequently acquired for the operation of the center shall be
16 under the control and authority of the board.

17 C. Funds or other property received by gift,
18 endowment or legacy shall remain under the control of the board
19 and shall, upon acceptance, be employed for the purpose
20 specified."

21 Section 6. Section 18-12-4 NMSA 1978 (being Laws 1993,
22 Chapter 42, Section 4, as amended) is amended to read:

23 "18-12-4. BOARD OF DIRECTORS--CREATED--APPOINTMENT--
24 TERMS--OFFICERS.--

25 A. The "board of directors of the national Hispanic
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1 cultural center [~~of New Mexico~~]" is created. The board shall
 2 consist of fifteen residents of New Mexico appointed by the
 3 governor with the advice and consent of the senate. Two of the
 4 appointees shall be employees of state institutions of higher
 5 education or appropriate state agencies. In making the
 6 appointments, the governor shall give due consideration to:

7 (1) the ethnic, economic and geographic
 8 diversity of the state;

9 (2) individuals who have demonstrated an
 10 awareness of and support for traditional and contemporary
 11 Hispanic culture, arts and humanities, including a strong
 12 knowledge of New Mexico Hispanic history; and

13 (3) individuals who are knowledgeable in the
 14 areas of Hispanic performing, visual and oral arts, genealogy,
 15 family issues, education, business and administration.

16 B. Of the initial appointees, five members shall be
 17 appointed for four-year terms, five members shall be appointed
 18 for three-year terms and five members shall be appointed for
 19 two-year terms. All subsequent members shall be appointed for
 20 four-year terms.

21 C. A majority of the board members currently
 22 serving shall constitute a quorum at any meeting or hearing.

23 D. Any member failing to attend three consecutive
 24 meetings after receiving proper notice shall be recommended for
 25 removal by the governor. The governor may also remove any

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1 member of the board for neglect of any duty required by law,
2 for incompetency, for unprofessional conduct or for violating
3 any provisions of the National Hispanic Cultural Center [~~of New~~
4 ~~Mexico~~] Act. If a vacancy occurs on the board, the governor
5 shall appoint another member to complete the unexpired term.

6 E. The executive director shall be an ex-officio
7 nonvoting member of the board.

8 F. The governor shall designate the president of
9 the board, who shall serve in that capacity at the pleasure
10 of the governor. "