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HOUSE BILL 891

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Luciano "Lucky" Varela

AN ACT

RELATING TO PUBLIC SAFETY; CREATING THE OFFICE OF HOMELAND SECURITY; PROVIDING DUTIES.

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

Section 1. [NEW MATERIAL] OFFICE OF HOMELAND SECURITY--
CREATED--DUTIES.--

A. The "office of homeland security" is created as an administratively attached agency to the office of the governor.

B. The office shall be the central point for coordinating the state's homeland security efforts, including the gathering, review, analysis and dissemination of information relating to homeland security.

C. The chief administrative and executive officer of the office shall be the "director of homeland security",

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1 appointed by the governor with the advice and consent of the
2 senate.

3 D. The director of homeland security shall:

4 (1) coordinate the homeland security
5 preparedness efforts of all state and local government
6 agencies, as well as enlist cooperation from private entities
7 such as health care providers;

8 (2) apply for and accept federal funds for
9 homeland security, administer the funds and develop criteria to
10 allocate grants to local governments, tribes, state agencies
11 and other qualified entities;

12 (3) act as liaison between federal, state and
13 local agencies to effect the improved sharing of
14 counterterrorism intelligence;

15 (4) provide information to the general public
16 and to private businesses that is essential to ensuring their
17 safety and security and provide the governor with timely
18 information relating to acts of terrorism or terrorist threats;

19 (5) establish security standards for state
20 facilities and for protection of their occupants and develop
21 plans for the continuity of state government operations in the
22 event of a threat or act of terrorism, or other natural or
23 man-made disaster;

24 (6) identify the state's critical
25 infrastructures and assist public and private entities with

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1 developing plans and procedures designed to implement the
2 protective actions necessary to continue operations;

3 (7) coordinate law enforcement plans for
4 prevention, preparedness and response with a focus on an
5 all-hazards approach;

6 (8) coordinate law enforcement
7 counterterrorism prevention, preparedness and response training
8 on a statewide basis, including training for emergency
9 responders, government officials, health care providers and
10 others as appropriate;

11 (9) work with emergency response and emergency
12 management programs and provide assistance in developing and
13 conducting terrorism response exercises for emergency
14 responders, government officials, health care providers and
15 others;

16 (10) coordinate the law enforcement and
17 emergency responders response to an act of terrorism or
18 terrorist threat;

19 (11) develop and maintain a statewide plan and
20 strategy to manage and allocate federal grant funds required to
21 provide the state's emergency response community with the
22 equipment necessary to respond to an act of terrorism involving
23 a weapon of mass destruction;

24 (12) perform such other duties relating to
25 homeland security as may be assigned by the governor;

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1 (13) subject to available funding, employ such
2 administrative and technical personnel as are necessary to
3 perform the duties of the office; and

4 (14) promulgate such rules as are necessary to
5 carry out the purpose of this section.

6 Section 2. Section 9-15-48 NMSA 1978 (being Laws 2003,
7 Chapter 166, Section 1 and Laws 2003, Chapter 170, Section 1,
8 as amended) is amended to read:

9 "9-15-48. OFFICE OF MILITARY BASE PLANNING AND SUPPORT
10 CREATED--DUTIES.--

11 A. The "office of military base planning and
12 support" is created, which is administratively attached to the
13 economic development department. The department shall provide
14 administrative services to the office.

15 B. The [~~governor's homeland security adviser~~]
16 director of homeland security shall appoint a director of the
17 office of military base planning and support.

18 C. The director of the office of military base
19 planning and support shall:

20 (1) employ, under the authorization of the
21 [~~governor's homeland security adviser~~] director of homeland
22 security, the staff necessary to carry out the work of the
23 office of military base planning and support and the military
24 base planning commission;

25 (2) support the commission;

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1 (3) inform the governor and the ~~[governor's~~
2 ~~homeland security adviser]~~ director of homeland security about
3 issues impacting the military bases in the state, including
4 infrastructure requirements, environmental needs, military
5 force structure possibilities, tax implications, property
6 considerations and issues requiring coordination and support
7 from other state agencies;

8 (4) serve as a liaison with the community
9 organizations whose purpose is to support the long-term
10 viability of the military bases;

11 (5) communicate with the staff of the state's
12 congressional delegation; and

13 (6) identify issues, prepare information and
14 provide for presentations necessary for the commission to carry
15 out its duties."

16 Section 3. Section 9-15-49 NMSA 1978 (being Laws 2003,
17 Chapter 166, Section 2 and Laws 2003, Chapter 170, Section 2,
18 as amended) is amended to read:

19 "9-15-49. MILITARY BASE PLANNING COMMISSION CREATED--
20 COMPOSITION.--

21 A. The "military base planning commission" is
22 created, which is administratively attached to the economic
23 development department. The department shall provide
24 administrative services to the commission.

25 B. The commission consists of fifteen members,

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1 thirteen of which are appointed by the governor with the advice
2 and consent of the senate. The commission shall include the
3 lieutenant governor, the [~~governor's homeland security adviser~~]
4 director of homeland security and appropriate representatives
5 from the counties, or adjoining counties, in which military
6 bases are located.

7 C. The governor shall appoint a chair from among
8 the members of the commission. The commission shall meet at
9 the call of the chair and shall meet not less than quarterly.
10 Members of the commission shall not be paid but shall receive
11 per diem and mileage expenses as provided in the Per Diem and
12 Mileage Act.

13 D. Notwithstanding the provisions of the Open
14 Meetings Act, meetings of the commission shall be closed to the
15 public when proprietary alternative New Mexico military base
16 realignment or closure strategies or any information regarding
17 relocation of military units is discussed.

18 E. Information developed or obtained by the
19 commission that pertains to proprietary commission strategies
20 or related to the relocation of military units shall be
21 confidential and not subject to inspection pursuant to the
22 Inspection of Public Records Act."