

SENATE FLOOR SUBSTITUTE FOR
SENATE BILL 540

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

AN ACT

RELATING TO ITALIAN AMERICANS AND OTHER RACES, CULTURES AND
ETHNICITIES; CREATING AN OFFICE OF RACIAL, CULTURAL AND ETHNIC
AFFAIRS; PRESCRIBING POWERS AND DUTIES; REPEALING AND ENACTING
SECTIONS OF THE NMSA 1978; MAKING AN APPROPRIATION.

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

Section 1. SHORT TITLE. -- Sections 1 through 4 of this act
may be cited as the "Racial, Cultural and Ethnic Affairs Act".

Section 2. DEFINITIONS. -- As used in the Racial, Cultural
and Ethnic Affairs Act:

A. "fund" means the office on racial, cultural and
ethnic affairs fund; and

B. "office" means the office on racial, cultural
and ethnic affairs.

1 Section 3. OFFICE CREATED-- POWERS AND DUTIES. --

2 A. The "office on racial, cultural and ethnic
3 affairs" is created and attached administratively to the human
4 services department.

5 B. The governor shall appoint a director, who shall
6 work at the pleasure of the governor. The director shall
7 employ other necessary employees, who shall be subject to the
8 provisions of the Personnel Act.

9 C. The office shall:

10 (1) study issues important to the citizens of
11 New Mexico of various races, cultures and ethnicities,
12 including history and culture; education, scholarships and
13 other financial assistance for education and career
14 development; economic and social problems and issues such as
15 jobs, housing, discrimination, family support, youth idleness
16 and crime; and health care, maternal and child health, teen
17 pregnancy, access and other health issues;

18 (2) secure recognition of accomplishments and
19 contributions to New Mexico and the United States by the
20 citizens of New Mexico of various races, cultures and
21 ethnicities;

22 (3) cooperate with and assist public and
23 private entities dealing with issues important to the citizens
24 of New Mexico of various races, cultures and ethnicities;

1 (4) direct the operations of the office;

2 (5) where appropriate, conduct periodic
3 conferences throughout the state to inform citizens of the
4 state of the opportunities available to them through state and
5 private sources, to encourage them to share their history and
6 culture with other New Mexicans and participate in the social
7 and political processes of their communities and to learn from
8 conference participants their needs and problems;

9 (6) otherwise act as an advocate for the
10 citizens of New Mexico of various races, cultures and
11 ethnicities;

12 (7) act as the coordinating agency for
13 intergovernmental programs concerning tribal governments and
14 the state of New Mexico; and

15 (8) investigate, study, consider and act upon
16 the entire subject of Indian conditions and relations within
17 the state of New Mexico, including, but not restricted to,
18 problems of health, economy, education, legislation and local,
19 state and federal government. In performing its functions, the
20 office shall provide an opportunity for the presentation and
21 exchange of ideas in respect to Indian affairs of the state by
22 all interested persons.

23 D. Additionally, the office shall:

24 (1) act as a clearinghouse for information
25

1 important to citizens of various races, cultures and
2 ethnicities of the community;

3 (2) function as the coordinating office for
4 all services and activities of state agencies and programs
5 pertaining to the citizens of New Mexico of various races,
6 cultures and ethnicities;

7 (3) encourage funding and implementation of
8 training programs and other opportunities for the citizens of
9 New Mexico of various races, cultures and ethnicities;

10 (4) promote and develop programs about
11 community resources designed to meet the needs of citizens of
12 various races, cultures and ethnicities;

13 (5) prepare and submit a budget for the
14 office; and

15 (6) publish an annual report on the activities
16 and services of the office.

17 E. The office may:

18 (1) adopt and promulgate rules in accordance
19 with the State Rules Act to carry out the duties of the office;

20 (2) accept gifts, grants, donations, bequests
21 and devises from any source to be used to carry out its duties;
22 and

23 (3) enter into contracts.

24 Section 4. FUND CREATED-- ADMINISTRATION. --The "office on
25

1 racial, cultural and ethnic affairs fund" is created in the
 2 state treasury. The fund shall consist of gifts, grants,
 3 donations and bequests. Money in the fund at the end of any
 4 fiscal year shall not revert. The fund shall be administered
 5 by the office, and disbursements from the fund shall be made on
 6 warrant drawn by the secretary of finance and administration
 7 pursuant to vouchers signed by the director of the office or
 8 his authorized representative.

9 Section 5. TEMPORARY PROVISION--TRANSFER. --On the
 10 effective date of this act, all personnel, budgets, funds,
 11 appropriations, records, contracts, equipment and other
 12 property of the New Mexico office of Indian affairs and the
 13 office on African American affairs used to administer the New
 14 Mexico office of Indian affairs and the office of African
 15 American affairs are transferred to the office of racial and
 16 ethnic affairs. All references to the office of Indian affairs
 17 and the office on African American affairs in any agreement,
 18 regulation, grant document or other legal document relating to
 19 the New Mexico office of Indian affairs and the office on
 20 African American affairs shall be deemed to refer to the office
 21 of racial and ethnic affairs.

22 Section 6. APPROPRIATION. --One hundred fifty thousand
 23 dollars (\$150,000) is appropriated from the general fund to the
 24 office on racial, cultural and ethnic affairs fund for
 25

1 expenditure in fiscal year 2002 and subsequent fiscal years to
2 carry out the provisions of the Racial, Cultural and Ethnic
3 Affairs Act. Any unexpended or unencumbered balance remaining
4 at the end of a fiscal year shall not revert to the general
5 fund.

6 Section 7. REPEAL. -- Sections 28-12-4 through 28-12-9 and
7 28-21-1 through 28-21-4 NMSA 1978 (being Laws 1975 (S.S.),
8 Chapter 11, Section 1, Laws 1955, Chapter 162, Sections 2
9 through 4, Laws 1967, Chapter 225, Section 1, Laws 1975 (S.S.),
10 Chapter 11, Section 1, Laws 1955, Chapter 162, Section 5 and
11 Laws 1999, Chapter 163, Sections 1 through 4, as amended) are
12 repealed.

13 Section 8. EFFECTIVE DATE. -- The effective date of the
14 provisions of this act is July 1, 2001.